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BENEVOLENCE IN PUNISHMENT.

BENEVOLENCE IN PUNISHMENT,

OR

TRANSPORTATION MADE REFORMATORY.

“Overcome evil with good.”—ROMANS XII. 21.

“If thou forbear to deliver them that are drawn unto death, and those that are ready to be slain; If thou sayest, behold, we knew it not; doth not he that pondereth the heart consider it?”—PROVERBS XXIV. 12.

“That it may please thee to shew thy pity upon all prisoners and captives.”—LITANY.

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PREFACE.

THE following statements are intended to awaken attention to the unhappy condition of our penal colonies. Comparatively little is known at present by the public at large respecting the existing system of Convict Management. The reports which continually reach us from the Southern Hemisphere are indeed of a most unsatisfactory nature ; but, little interest has practically shewn itself in the removal of the growing evil. The question involving the treatment of convicts has not been deemed one of general interest, or perhaps it has appeared too difficult and complicated to fall within the range of private opinion ; and in dismissing it from us, we have been led to withhold from our unfortunate fellow-countrymen, those sympathies

which, as Christians, we have a right to withhold from none. We have tamely acquiesced in the popular but unchristian theory that vindictive, exemplary punishment is essential to the interests of the state. If at any time, the rigours of vindictive punishment have presented themselves in a fearful aspect before us, and awakened a doubt in the conscientious mind as to the justifiableness of such punishment, all feelings of compunction have at once been stifled by the prevailing opinion that individuals must be sacrificed to the good of the community, and that an example must be made of some to deter others from crime. It will be the object of the following pages to point out the fallacy of this argument, and to demonstrate that *benevolence to the criminal is perfectly compatible with the public good.*

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BENEVOLENCE IN PUNISHMENT.

BENEVOLENCE IN PUNISHMENT.

CHAPTER I.

ON EXEMPLARY PUNISHMENT.

THAT 'prevention is better than cure' is a maxim commonly received ; and, to a certain extent it is doubtless a correct one. When we have simply the two alternatives presented to us, either of preventing an evil or of curing it after it has been brought into existence, there can be no question which of these we are to prefer. The one course avoids the incurrence of all evil ; the other necessarily involves its actual existence. But if in order to compass the prevention of evil, we call into existence other evils of greater moment than that which we are seeking to prevent, then the maxim no longer holds

good ; “ the remedy is worse than the disease ; ” and it becomes self-evident that in such a case the prevention has no claim to superiority over the cure.

In applying this maxim to legislation, we assert as a general proposition, that the great object of punishment ought to be the prevention of crime. But it is necessary to prescribe a limit for this proposition. If in order to prevent crime, measures are resorted to which call into existence evils of equal or greater magnitude, then it is evident that the prevention of crime which was contemplated, is no longer an advantage ; and the argument on which it was founded, turns out to be a sophistry. The severe punishment of individual offenders has long been considered as the best and most certain method of preventing crime ; and the principle of fear is doubtless, to a certain extent, a legitimate auxiliary in the government of men. The dread inspired by the sufferings of another, may well be employed as a deterring motive. But it is most important to guard against the abuse of the moral power which may thus be obtained over men ; because, fear when excited by an unjust and arbitrary infliction of suffer-

ing, will degenerate into a slavish principle, debasing, and therefore deteriorating the mind in which it exists. Moreover, the law which rules by excessive terror, will not inspire its subjects with respect ; and any measure which brings authority into contempt must be a wrong measure. Let the dignity and majesty of the law be upheld by firmness in the infliction of moderate and certain punishment, and then a reverence for it will be entertained by the community at large, and even those who are evil-minded will be inspired with awe, and with a wholesome fear which is likely to deter them from transgression. In such a case the *example of punishment* justly incurred by the breakers of the law, will be a fit warning to all who might otherwise be disposed to follow in their steps.

The very term *example* does indeed convey the idea of *limit* and *rule*,—a definite rule to be illustrated by an example in which its principle is essentially existent : the moment the example wanders from the rule, it ceases to be an example. If an example be adduced which does not contain the principle of the rule, it must be rejected as no example at all. So, in legislation, the rule laid down is the

equitable administration of the laws ; the principle of this rule is justice, and any example by which it is to be illustrated, must keep within the limits of justice, or it is no example at all. It will thus appear that the *beau ideal* of criminal legislation consists in the *certainly* of punishment, and its *equitable proportion* to crime. Although these ends cannot always be attained with perfect accuracy, yet the nearer any system approaches to them, the more perfect it is. Every instance of the infliction of such punishment, affords an example which must necessarily illustrate and enforce the rule. But when the law either inflicts an undue measure of punishment on any individual, or allows him facility of escape from all punishment, it is certain on the one hand to provoke indignation, and on the other to excite contempt. When severe punishment is inflicted merely for what is called, example's sake, the law *by that very act* breaks through the rule which it is attempting to enforce. By such infliction, an example is no longer set to others of the due and proportionate visitation of punishment on crime, but the offender is visited with heavier suffering than he deserves, for the

sake of making him a scare-crow to others ; and this is what is usually called *exemplary punishment*. But such an application of the term is a misnomer, and an abuse of language which it is most important to correct ; because it has led to a whole train of fallacious reasoning. The advocates of severity (and this very term often implies excess of punishment) are induced to make the most fearful sacrifice of individual rights, and thus to incur a serious amount of responsibility, by their pertinacious adherence to a doctrine, which on strict examination, must be found untenable ; whilst the two-fold departure from justice which we have noticed, produces two distinct and opposite evils in the parties whom it more immediately affects. A sense of unjust severity excites natural indignation in the sufferer and all his friends, and thus the law becomes odious to *them* ; whilst the hitherto successful offenders feel that the whole system is a lottery, and turn *their* attention only to the probable chances of escape. Such chances of escape are rendered the more numerous by the natural sense of justice which cannot but be felt by those who administer the law, leading them, of the two

alternatives, rather to allow the prisoner to escape altogether, than overwhelm him with excess of punishment.

Vindictive is indeed the more appropriate epithet for the kind of punishment which has usually been denominated exemplary; and this is essentially the character of the punishment involved in an ordinary sentence of Transportation. By the expression, vindictive punishment, we understand a punishment which has no regard to the well-being of the offender, but which subjects him to arbitrary, and, therefore, disproportionate inflictions of suffering from those who have it in their power to carry out the general sentence of the law to the utmost. A sentence of Transportation has always partaken of this vindictive character; and so long as the present system of Convict Management prevails, so long will the individual rights of prisoners be disregarded, and arbitrary power be permitted to tyrannize over them. For it can be shewn beyond dispute, that the system hitherto pursued in our penal stations, not only disavows all obligation to benefit the criminal, but abandons him soul and body to almost certain ruin, and, by placing arbitrary power in the

hands of its officers, exposes him to an indefinite amount of suffering, such as justice itself must utterly disclaim.

And in order to form some estimate of the amount of evil thus perpetrated, it is necessary to know the number of individuals who are sacrificed. FIFTY THOUSAND of our fellow countrymen are at this moment dispersed over our penal colonies.* FIVE THOUSAND annually undergo sentence of transportation.† Surely this can no longer be considered a question of individuals. Surely those who adhere to the maxim that the unit must be sacrificed for the

* By the last Parliamentary Return made in the year 1838, it appears that in New South Wales the number of convicts was 27,381, and in Van Dieman's Land 16,968. If to these we add the number of convicts in Bermuda, on board our own hulks, and those now employed on the fortifications of Gibraltar, we shall find that the sum total cannot be much less than 50,000. We may feel pretty sure that the average number of criminals has in the last few years been on the *increase* and not on the *decrease*.

† In the same Parliamentary Return, we find that the number of convicts annually sent to New South Wales and Van Dieman's Land alone, amounted for many years previously to upwards of 4000; in the year 1834 it was 4920. If therefore we allow also in this case for a certain proportion annually sent to Bermuda, to the hulks, and to Gibraltar, we shall find that the average of annual transports cannot be less than 5000.

good of the many, must begin to discover that they have made a serious mistake in their numerical estimate. We will however, leave this fact to speak for itself, and entreat our readers to make their own deductions from it.

The next point for consideration is, that what is called exemplary punishment has *not been found to deter men from crime*. It has been asserted on the contrary that within the last few years, crime has greatly increased. And we conceive this in a great measure attributable to the radical defects which exist in our penal legislation. Jeremy Bentham has sagaciously observed that if every man were quite sure that the property he stole would be restored to its owner, this would be sufficient to deter him from stealing.* Although the law can never attain to such certainty as this, yet we may rest assured that the most likely means of deterring men from crime, is by visiting crime when detected, invariably with

* ‘On ne s’engage dans la carrière du crime que par l’espoir d’impunité: quand la peine ne consisterait qu’à ôter au coupable le fruit de son crime, si cette peine était inmanquable, il n’y aurait plus de tel crime commis; car quel homme assez insensé voudrait courir le risque de le

punishment, and closing as much as possible every aperture for escape. When certain and equitable punishment is administered, offenders know what they have to expect, and the fate of others is a fit warning for them.

But when the chances of escape are manifold, the wicked are encouraged to persevere ; and when punishment is extreme, the adventurous are even excited to risk their all ; they are tempted to gamble with their own fate, and life itself becomes the stake.

There are other reasons also why the example of suffering has not so much force as might rationally be expected in deterring men from crime. The prevalence of crime itself argues the prevalence of those uncontrolled passions which set aside the dictates of reason, and unfit men for cool deliberation. The class of men who generally fall under the sentence of the law, are men who have lived in ignorance of the first principles of reasoning ; they are beings of a day, who have to earn their daily bread, who if they cannot earn, will steal it, regardless of the lasting

commettre avec la certitude de n'en pas jouir, et la honte de l'avoir tenté ? ' *Traité de Législation Civile et Pénale.* ' Tom. II. p. 158, 159.

consequences which may result, and anxious only for present gratification. We must also remember that it is repugnant to the human mind to dwell much upon suffering; we are naturally prone to banish what is painful; and thus, no sooner has the gallows been removed, or the criminal embarked, than his former companions try to forget him, and return, with re-assumed ease, to their usual pursuits. Who does not recognize here the same principle that prevents the death-bed scene from leaving a permanent impression on the by-standers? How is it that the example of what *must* sooner or later be our own fate, does not warn us, as it ought to do, of the importance of being prepared for it? When therefore we look either to the natural propensities of the human mind, or to the peculiar position of criminals, we cannot feel greatly surprised if the amount of good achieved by exemplary punishment falls very far short of what seems to have been expected.

The advocates of what is usually called *exemplary*, but which we have shewn, ought rather to be termed *vindictive* punishment, are not confined to the class of mere political

reasoners, but are also to be found among those who profess to yield implicitly to the dictates of Christianity. We might indeed have supposed that these would be the last to undervalue the unit ; we might have judged that they would rather “leave the ninety and nine in the wilderness, and go after the lost” one till it be found, than that they should pronounce it necessary to sacrifice the one, for the sake of the many. But strange as it may appear, even the religious mind shrinks not from this assumption ; for it seeks its analogy in the divine dealings with man, and points to instances of fearful judgments which have overtaken individuals as a warning to the survivors. But we maintain that analogy has no place here ; for, it cannot be shewn that the Divine Being, in any of his judgments, inflicted a heavier punishment than was deserved ; neither can it be shewn that man, in any station of superiority to his fellow-men, can exercise the same prerogatives as the Supreme Governor ; for he possesses not the same omniscient and infallible attributes. Even those who persist in advocating the vindictive principle on the ground of Scriptural analogy, must confess that the

instances to be found in Scripture are most rare. In the thousands of years through which Scripture history conducts us, how few comparatively are made the monuments of vengeance ; how few are sacrificed both soul and body, that their awful end may serve as warning to the rest of mankind ! And even their individual cases, could we look into the inscrutable things of Jehovah, might contain sufficient to prove to us that not until, like Pharaoh, they had hardened their hearts against the Lord, were they given over to the judgments of his righteous vengeance. Again, it is very questionable whether Christianity has retained any vindictive principle in its administration. We cannot but remember that when the Jews would have resorted to the Mosaic law, which commanded that the woman taken in adultery should be stoned, Jesus withheld their vindictive spirit, and instead of sanctioning that mode of severe exemplary punishment which the law of Moses had enjoined, he introduced the benign, yet restraining influence of the law of love, "Neither do I condemn thee," (i. e. to judicial vengeance,) "go, and sin no more."

The general tenour of the Divine dealings with man savours indeed not of vindictive manifestation, but of a benevolent admixture of justice with mercy. And the great object which the Divine Legislator manifestly has in view in the dispensation of his government, is to punish sin, but be merciful to the sinner. He will not let the offender escape with impunity, neither will he so punish as to drive the unhappy being to despair; but he will give him every encouragement to amend his ways, and by many methods, will entreat and allure him to paths of holiness and peace. So that those who appeal to Scripture on behalf of a vindictive legislation, must be thrown back upon Scripture, with this consideration, that consistency requires they should imitate the Divine Being in his general administration, and at least not be *more* vindictive, not be *more* revengeful than He who hath said, "I have no pleasure in the death of him that dieth, saith the Lord God; wherefore turn yourselves, and live ye."* And if they can find in the Sacred Volume only a few scattered instances of summary

* Ezek. xviii. 32.

vengeance on soul and body, let them not take these as a plea for the annual sacrifice of FIVE THOUSAND of their fellow creatures to a similar infliction of vengeance. And if they perceive in the same Sacred Volume that the Almighty in general withheld his judgments, until admonition after admonition had been heard in vain, until he had "sent prophets rising early and sending them," then let candid inquiry be instituted into the amount of instruction and moral agency which our criminals have received. What "prophets" have we sent to them? We will not now speak of the inadequate attempts to afford instruction to the masses of our home population; we will refer only to the provision which has been made for the instruction of our criminal population abroad. What have we done? or rather, what have we left undone? Let the statistics of our penal colonies proclaim. In Norfolk Island which, since it was made a penal settlement, has received some thousands of prisoners, not a single minister of religion was ever seen for the first eight years of its history; and fifteen years elapsed before a place of worship of any kind was erected there. In other penal

stations, some attempt has been made to introduce the semblance of religion ; but from the local details of convict management, the opportunities permitted for religious instruction are far too scanty, and the agencies employed far too inefficient, to lead to any happy results ; whilst the spirit pervading the whole system of penal treatment is so contradictory to the spirit of religion, that the unhappy beings may well doubt the sincerity of the religious advocate, if they do not doubt the reality of religion itself.

Here then lies the root of all evil in our criminal administration. Let us look well to it, for here we may perceive the secret of all our failures. Religion, the only antidote to the moral plague which infests those shores, religion has been excluded there. Men have seen their fellow-men falling in thousands, victims to this most fearful pestilence, and they have shut them up in a lazaret-house together, and instead of sending among them the only antidote to the dreadful ill which must sink soul and body in endless woe, they leave them to contaminate each other : they pronounce them incurable, though heaven itself hath declared the contrary. For, not can

man neutralize the power of the Divine antidote, not can man falsify the statement of Jehovah, that, "As Moses lifted up the serpent in the wilderness, even so must the Son of man be lifted up, that *whosoever believeth in him should not perish, but have eternal life.*" John iii. 14, 15. Let us then remember that the eternal welfare of thousands is at stake. Let no force of prejudice deter, no power of sophistry arm us against the convictions of an enlightened conscience, and the dictates of a heart alive to our obligations, both as respects God and our fellow-men. The present appeal is to those who feel the imperative claims of Christianity on the practice of men ; who have some sense of their obligations to diffuse Christian principles amongst their fellow creatures ; and who recognize the Divine command ; "Go ye into all the world, and preach the gospel to every creature." Are criminals then to be excluded ? If we deem them the vilest of the human race, is that any reason why they should be neglected ? Have they not a *right* to expect that we, as Christians, shall manifest some anxiety for their eternal welfare ? Can we, with any sincerity, join in the prayer, "that it may please thee

to shew thy pity—upon all prisoners and captives,” whilst we deliberately exclude the prisoner from all participation in the privileges of the gospel? Oh! let us remember who hath said, “Blessed are the merciful for they shall obtain mercy.” And before we abandon thousands of our fellow-men to almost certain destruction, let us call to mind the solemn hypothesis: “If thou forbear to deliver them that are drawn unto death, and those that are ready to be slain; if thou sayest, behold! we knew it not; doth not he that pondereth the heart consider it?”

Let us then revoke the unwarranted yet popular theory that public welfare claims the sacrifice of individual interests. We unhesitatingly affirm that *benevolence to the criminal is compatible with the public good*. And before any can negative this assertion let them prove, if they can, what public good has been obtained by the contrary maxim! Has crime become less frequent in our own land? or have any but the most fearful results flowed from the neglect of our criminals? Let us then beware on what grounds we attempt to oppose the introduction of benevolent principles in our penal legislation. *No nation can*

have a right to punish by a system which directly tends to deteriorate its criminals ; and no nation can succeed in arresting the growth of crime, unless it apply all its energies to the moral reformation of criminals, and thus “ lay the axe at the root of the tree.”

Let the bigoted vindicator of coercion smile at the idea of ruling criminals by persuasive influence ; we pity, but we do not heed the utterance of his harsh and unchristian principles. We would simply ask of such an objector—where would you be now, had heaven dealt with you on the same vindictive principle ? Oh ! it is a want of self-knowledge, and an ignorance of his own deserts that can lead any man to act with inexorable severity towards his fellow men. Can any one, who has been taught the infinite value of immortal souls, deliberately condemn thousands of human beings to a system which must work their eternal ruin ? Away to your Bible, you that can coolly abandon your fellow creatures to such a fate as this, and who, on the ground of political expediency, shut out the kingdom of heaven from men.

CHAPTER II.

ON THE EXTREME RIGOUR MANIFESTED TOWARDS CRIMES AGAINST PROPERTY.

No one who has observed the prevailing habits of the present age, can fail to have noticed that the accumulation of wealth is the ruling passion. The immense effort to attain it, and the amazing sacrifices made in consideration of it, prove beyond dispute, that men regard it as the chief good. They are not now satisfied with what would have satisfied their fore-fathers ; luxuries, hitherto unknown, are now circulated downwards through every grade ; and men are accustomed to measure their expenditure, not by their means, but according to the habits of the class above them. There has been a certain " coveting of our neighbour's goods " in the sense of endeavouring to imitate and rival

him ; and, this being the ruling tendency of society, evils of very great magnitude have been the result. Of these evils we shall confine our attention to such as affect criminal jurisprudence.

It requires no argument to prove that the avaricious man will resort to unlawful means of adding to his stores ; and, if this be obvious in the case of individuals, may it not also be a very probable truth that when a general spirit of avarice pervades any community, corruption, dishonesty, and depredation will become ordinary crimes ?

That there is but a step between *coveting* and *taking*, is a truth which mankind have exemplified from the days of Adam. And if an inordinate lust of gain have the effect of leading one class of men to use illegitimate methods of accumulating wealth, can we wonder that another class should find in this not only a stimulus but an excuse for preying upon the wealth thus accumulated, when not avarice, strictly so called, but penury and want make them envious of the rich man's superfluities ? In accordance with the fore-going remarks is the following extract from a recent periodical :

‘ It is not to be supposed that the criminal population is a creation apart. No : it springs from, it is a part of, the community ; it is composed of the weaker and more excitable part of every class. There is scarcely any class that does not furnish annually its proportion to the corps of criminals. Every class is pervaded to its inmost core by the desire of property, eager almost to morbidness. The weak, the careless, the vicious of every class, find themselves gradually and steadily crushed out of the conflict for that wealth, which every effort made around them by men of higher capacities than their own, tends to exalt in their imagination, while it removes them from its legitimate acquisition. It is of such that the criminal population is day by day formed ; and it is not wonderful that the appetite, which is a disease even among the educated and the otherwise high-toned in thought of a nation, should become a foul leprosy in that portion of it, in whom weakness of intellect and strength of passions have not found a compensating control in sound education and early training.’*

* See Jurist. January 4, 1845.

Here then lies the chief secret of our growing proficiency in crime. And it is not by the mere infliction of punishment on those who come under the notice of the law, that the evil is to be stayed. Let the entire public mind renounce its addiction to 'the love of money, which is the root' of all this 'evil,' and then, and not till then, will the ranks be thinned of those on whom the odium and the penalty do chiefly fall. Above all, so long as the general character of society in this respect, is not reformed, let us beware how we visit with too much severity those of our fellow-creatures who have become victims to a vice in which we ourselves with impunity indulge. Let us not think that 'they are sinners above all men, because they have committed such and such things ;' but let us examine whether we, by evading the just dues of government, or by over-reaching in business, or by any unfair means of obtaining property, have not held out some temptation to others, who in *their* evil-doings have been prompted by circumstances of greater exigence than ourselves.

Many reasons have been urged why crimes against property should be visited with great severity. Among these, the most general is

that this species of crime is committed with greater facility than any other, and therefore that it should be opposed by the severest enactments.

This is indeed the ostensible motive assigned by most political reasoners, and it is considered sufficiently weighty to counterbalance all objections. But we maintain that this is no more than the *ostensible* reason ; we would expose the true though *secret* motive for thus visiting offences against property with unjust severity, and we declare it to be an inordinate valuing of wealth, an *idolizing* of riches, until men become very jealous for the god whom they serve ; and every offence committed against this god is looked upon as a crime of the deepest dye, as deservedly bringing down the heaviest denunciations of vengeance upon the head of the wretched perpetrator. Men will fly at him as they would fly at one who had violated the sanctuary of their God, and fanaticism itself could not proceed to greater lengths than will those who worship Mammon, when exasperated by an offence which in their view is no less than sacrilege. How truly *vindictive* is the feeling thus excited ! But even supposing that the applica-

tion of great severity to offences against property, be dictated only by a desire to prevent a species of crime which may be perpetrated with great facility ; such a measure does not appear in strict justice to be less reprehensible. The vindictive principle, to which we have before adverted, obtrudes itself here ; equity is set aside ; and the false notion of deterring by an example of severity is accepted as the maxim on which punishment is founded. A man is to be visited with heavier punishment than he positively deserves, because, from some collateral circumstances, the commission of that particular crime of which he is guilty, is rendered easy. Hence, for the sake of state policy, absolute justice is violated. Hence too a pretext is furnished for the retention of every enactment, however severe, that is likely to increase the security of our own well-guarded treasure. It is by no means intended by these remarks that national enactments should neglect the protection of private rights, or that punishment should not overtake those who trespass against property ; but what we do intend is to expose the fallacy and injustice of measuring out punishment by the value which public opinion chooses to

set on the property sinned against. It is as when a man takes the law into his own hands, for a state to inflict punishment proportioned to its own high estimate of that in which it is itself so deeply interested.

Let us moreover consider well the necessary result of thus magnifying punishment when applied to crimes against property. The direct and inevitable consequence is to set the poor against the rich ; for vindictive punishment falls chiefly upon the poor. Thus it will appear, in connexion with our former remarks on the evils of transportation, that for the protection of the wealthy, the poor are to be sacrificed both soul and body ; since it is chiefly for crimes against property that transportation is inflicted.* In the present day, when there is much apparent zeal manifested for the well-being of the poor, it becomes us to examine well into the causes which operate most powerfully against them ; and to take care that their just and equitable rights are not invaded. A system of legislation which favours one class above

* The following table will shew the reader that by far the greater proportion of crimes committed in this country,

another, will thus appear to be an unjust system. The rich have, in many ways, the advantage over the poor; but the poor man's rights are as sacred as the rich man's, and an equitable legislation will seek to protect the one as well as the other. How much would it advance the interests of every class of the community, if those interests were cemented by a mutual feeling of good will!—but in the existing state of things, this is impossible. The poor cannot but be sensible

are crimes against *property*. It is taken from the Jurist for January 4, 1845, and is composed from a recent statistical return to Parliament.

1.	2.	3.	4.	5.	6.
Offences against the person per year.	Offences against Property with violence per year.	Offences against Property without violence per year.	Malicious offences against Property per year.	Forgery and offences against the currency per year.	Other offences per year.
1987	1743	20,270	138	473	1370

If we take only the Nos. 2, 3, and 5, which we suppose to be offences committed solely for the sake of property, and not dictated by any malicious motive, we shall see that the proportion they bear to the whole is as 22,486 to 25,981.

The last census taken in Norfolk Island shews even a greater proportion; it is as 1294 to 1437.

that they are crushed by many state enactments which pass harmlessly over the rich. How large a proportion of them are friends and relatives of those who have been sent out of the country ! and will not such friends and relatives naturally identify themselves as sufferers from the same cause ?

On every ground therefore it behoves the state to mitigate those laws which affect the poor for the sole good of the rich. And if, in criminal legislation, undue severity has been manifested towards the weaker party, for the protection of the stronger, it is high time that so gross an evil should be rectified.

CHAPTER III.

ON SOME OF THE MOST PROMINENT EVILS OF THE PRESENT SYSTEM OF CONVICT MANAGEMENT.

THE present aspect of things in our penal settlements is universally acknowledged to present the most lamentable indications, and to forbode the worst evils. Local authorities look with regret at the utter failure of all schemes hitherto devised for the improvement of the prisoners. Crime has attained to gigantic growth. The free settlers and the convicts have mutually injured each other. Extremes the most preposterous have yielded the most preposterous results ; at one time, a rule so terrific that the prisoners have been driven to desperation ;—at another, a laxity of discipline, with the absence of all moral restraints to take the place of physical coercion,

has opened the flood-gates of crime, and brought in an influx of appalling wickedness. Such has been the inconsistent, unjust, and absurd character of the measures resorted to. And the inevitable evils which have ensued, have at length become so formidable that this country is beginning to take the alarm. Legislators are satisfied that it is high time to institute a more than superficial remedy for this evil. And it has become self-evident, that radical error must exist in a system which has presented such fearful developments. It may be well at such a crisis, to furnish the public mind with a statement of some of the most prominent features of evil in our present penal legislation.

Of these, the first we shall notice is the placing of almost unlimited *arbitrary power* in the hands of its officers. The local authorities have full scope allowed them for the application of such rewards and punishments as they may see fit ; and this is done in order to increase their personal influence and authority. But many injurious consequences result, both to the prisoners and to their superiors, from this exercise of discretionary power. In proof of this, we will adduce the following

testimony from one who held for some years an important station in one of our most important penal colonies.*

‘ Placed as little gods in the communities in which they move, they become tyrannical and capricious almost of necessity in consequence:—they become far too hasty and summary in all their conclusions and decisions, even when professing to act strictly judicially;—and they are led to exact a degree of deference and respect towards their persons and conclusions of every kind, which, by flattering their weaknesses, (and no man is without some,) impairs sensibly the better parts of their character, and brings into prominence the worse. (I say all this the more frankly, because I include myself among those spoken of;—and during my four years’ command at Norfolk Island, nothing was more continually before me than the progressive deterioration to which I was thus subjected.) But the effect on the men is still more apparent,—and unfortunately, they are the victims of both results. All their slavish propensities are

* Captain Maconochie, R.N.K.H., Late Superintendent of Norfolk Island, ‘On the Management of Prisoners in the Australian Colonies.’

thus fostered. They are rendered, if possible, more complete eye-servants, more accomplished deceivers, through this particular in their condition, than even they could otherwise be made. Depending entirely on the will of their superiors for reward, the very best of them do not so much seek to be good, as to appear so ; and the ambition of the worst (for which praise and encouragement are also looked for, and readily awarded by their companions,) is rather, with tolerable appearances, to be yet in truth as bad as possible. In all, the will of their immediate superior is substituted for abstract principle :—the latter is never thought of :—and when the most strenuous and laborious efforts may be blighted by a secret calumny, or frustrated by an unexplained whim or prejudice, every feeling of self-dependence is speedily lost in a universal relying on favour, hypocrisy, and fawning, playing on the weaknesses of others, not studying, by patient diligence and integrity, to deserve and reap their due rewards.'

Here then we see how much scope is afforded for the operation of very bad principles. Can any thing be worse than a systematic encouragement of deception? But not

only are the prisoners thus furnished with wrong motives for conduct, they are likewise (as we have before said) *exposed to an indefinite amount of suffering, such as justice itself must utterly disclaim*. Public opinion, even in this country, has decided harshly towards transported criminals ; how much more so in settlements where judicial authority puts on its sternest aspect, and where the criminal population are considered as the legitimate victims of oppression. Hence it is hardly possible to conceive the lengths to which some governors have gone, in pure cruelty towards the convicts. Men who in society have passed for benevolent and amiable men, have, in their capacity of penal officers, perpetrated incredible acts of tyranny and injustice. They have irritated the prisoners by attaching severe penalties to the most trivial offences, and those offences not of a moral nature, but relating to things in themselves perfectly harmless ; and then with inexorable severity, the slightest infringement of these petty regulations, has been visited with frightful punishment, for the sake, it was said, of maintaining strict discipline. But it is manifest that such inflictions can have no other effect than ex-

asperating the prisoners, by doing violence to their natural sense of justice ; and, by constantly resorting to these, the officers have become unhumanized, and have fallen into the habit of treating the prisoners more as brutes than as fellow-men. In this way, the average of recorded crime and consequently of punishment, has at times been greatly raised, when there was no reason for supposing that the prisoners themselves were actually worse than they had been before. It is thus too that the criminal becomes so hardened, that no punishment has any effect upon him. All self-respect is lost ; he looks upon his tormentors with dark revenge and abhorrence ; and his great delight is, by cunning and craftiness, to perpetrate as much evil as he can without detection.

Within the last two years indeed, public opinion has discountenanced the more flagrant manifestations of severity to prisoners. Local authorities have been, to a certain extent, under its influence ; some, more humane naturally than others, have thus been restrained by their own better feelings from the perpetration of gross cruelties. Others, in whom the love of power, and the predominance of the fiercer

passions receive some check from public opinion, are indeed withheld from those acts of tyranny which they would otherwise be disposed to commit. Thus there have lately arisen circumstances which tend to mitigate the evil. But what we wish to impress upon the reader, is, that *the system* does in itself contain the elements of arbitrary power, and that as long as it prevails, there is a liability to the continual recurrence of the evils here deprecated. Let it moreover be remembered, that the distance of these colonies from the Supreme Government, affords the greater facility for acts of petty oppression. The knowledge of such matters is not likely to be communicated to this country, because those who are the only mediums of communication have an interest in keeping the Government ignorant of their proceedings.

Another capital error in the present system, and one which seems the necessary consequence of all the rest, is that *it bears some of the worst features of slavery.*

It maintains its rule entirely by physical coercion. Compulsory labour in which the prisoner has no interest, and enforced under pain of severe corporal punishment, renders

the whole system one of downright slavery.* Whatever evils have resulted from negro slavery, have been manifested no less strikingly in the slavery of our Bond population

* It is a remarkable fact that in the early establishment of Transportation, slavery was avowedly connected with it. This appears in the following extract from the Report of the Transportation Committee of the House of Commons, in the year 1838.

‘It appears to have been the practice at an early period to subject transported offenders to penal labour, and to employ them *as slaves* on the estates of the planters, and the 4 Geo. I. c. ii. gave to the person who contracted to support them, and to his heirs, successors, and assigns, a property and interest in the services of such offenders for the period of their sentences. The great want of servants in the colonies was one of the reasons assigned for this mode of punishment, and offenders were put up to auction, and sold by the persons, who undertook to support them, as bondsmen for the period of their sentences.’

In a subsequent passage of the same Report, we have the following remark :—

‘Transportation, though chiefly dreaded as exile, undoubtedly is much more than exile, it is slavery as well, and the condition of the convict slave is frequently a very miserable one—but that condition is unknown, and cannot be made known ; for the physical condition of a convict is generally better than that of an agricultural labourer ; the former is in most cases better fed and better clothed than the latter ; it is the restraint on freedom of action, the degradation of slavery, and the other moral evils, which chiefly constitute the pains of transportation, and of which no description can convey an adequate idea to that class in whom Transportation ought to inspire terror.’

in the penal colonies. The labour thus extorted is analogous to *brute* labour, and utterly unworthy of rational creatures, who, though they have justly deserved punishment, have not deserved to be degraded by their fellow-beings, to a position in the world of animal existences which the Creator never intended them to occupy. It becomes not man thus to depreciate his own species. Much less does it become any society among mankind to subject to such a degradation as this, an integral part of itself. Generosity forbids that we should trample in this way on our fellow-countrymen. We would not now *avowedly* sell our criminals as slaves; but do we not *virtually* do so when we submit them to a course of treatment which is thoroughly impregnated with slavery? Oh! let us give to this point the attention which it claims. If the name of Wilberforce has ever awakened in our minds a virtuous and philanthropic zeal for the extinction of slavery, let the same principle now be roused within us, by a claim not the less urgent because we have no Wilberforce to plead it. We have done well in abolishing negro slavery: we shall

do still better by abolishing slavery in our penal colonies.

A very secondary motive in behalf of such a measure may nevertheless be mentioned with advantage, because it may have some weight with those who are merely political economists. It is self-evident that free labour is far more productive than compulsory labour. We have been told that 'men will do for liberty what they will not do for lashes.' * When the convict has a personal interest in doing his work well, he will produce a better article ; and he will also be deterred from that wanton waste and destruction of material, which at present so very generally neutralize the labour of convicts. To so great an extent have they manifested their aversion to work, when deriving no personal benefit from it, that they have been known even to mutilate their limbs, and thus render themselves incapable of labour, so as to become absolute burthens to the state, without in the slightest degree contributing to their own support. We repeat that this is but a secondary consideration, but it is one which has its own relative importance.

* Captain Maconochie.

Another evil in our convict system is that *it classifies prisoners not according to their real character, but according to the offences for which they were transported.*

This mode of classification has of late been adopted, but it is manifestly abortive, for it leaves the important object of preserving from contamination still unattained. It is well known that the most daring and hardened offenders are generally the most dexterous at effecting their escape, and therefore it often happens that when they are at last taken, it is for a very trifling offence. The man who has long defied the officers of justice, and successfully carried on his nefarious practices for some years, may at length be seized for some small theft, which makes him liable to only seven years' transportation, when he has escaped detection in crimes which would have brought him to the gallows. Is this man a fit associate for the youth, who, perhaps for the first time in his life, was tempted, or starved, or frightened into the commission of some crime which has led to his transportation for the same number of years? Those who know any thing of London are well aware that hundreds of the young are daily sent forth to

plunder what they can, under severe threats of punishment if they bring home nothing; and, grievous as it is to see such youthful offenders, it is far more grievous to know, that they are sentenced for many years to have no other companions than those who have become hell-hardened, and whose chief delight it will be to initiate them in every kind of villainy. It will thus appear, that classification according to the offence which lies against the prisoners, can be no safeguard against contamination. A far more efficient classification would be one which was the result of careful scrutiny into individual character, and the general deportment of prisoners during the earlier stages of treatment. With the assistance of the chaplain, this might easily be done; for, the decidedly vicious would soon shew their propensities, and it would quickly appear who among them were disposed to demoralize the others.

A further evil in this system is that *it excludes every incentive to virtue, and renders the practice of it nearly impossible.*

Men will rarely pursue virtue for its own sake merely, unless some prospect is held out to them of advantage to be gained thereby.

A system which merely punishes bad conduct, without rewarding good, will not afford encouragement to virtuous living. In such a system there must be the total absence of all moral, persuasive influence. Those motives which are most astringent on reason, and which rouse the better feelings of the heart, are in this case, utterly excluded. Men are not treated as rational beings, nor as beings endowed with passions which can be wrought upon for good as well as for evil. In fact, it would appear that when a man is made a convict, he is robbed of all his claims to the attributes of a man; he is no longer recognized as a reasonable creature; he is considered devoid of all moral perceptions; he has no longer any credit for possessing what is called natural feeling. He is an outcast, not only from society, but from the pale of manhood. He is considered to have lost all the sentient characteristics of his species. In a word, he is unmanned; and, if he be still allowed any place in the world of mind, it is only in that appertaining to the brute creation. "Behold, we put bits in the horses' mouths, that they may obey us," and in like manner we seek to control the convict

by lashes and brute force. Thus it is that we treat the work of God's hand. We deprive him of reason, when God has not done so. We render him incapable of virtue, when God has rendered him capable of it; for, the obedience which is extorted by violence, being manifestly a compulsory obedience, is not the act of a free, moral agent, has no charm, has no intrinsic value, is no virtue at all. Let us now enquire how these remarks are borne out in the actual history of our convicts. The following statement is afforded by one who keenly felt the evil of which we are speaking, in the case of the convicts committed to his charge.*

‘Shooting a bushranger, betraying a comrade, or otherwise with or without risk promoting what is considered an adequate government object, often obtains a pardon; but they are usually, as may be inferred from the nature of the services specified, among the worst men who are so benefited; and there is no example that I am aware of, of the milder and more domestic virtues being similarly rewarded. Nor is this a fault in the

* Captain Maconochie, R.N.K.H. ‘On the Management of Prisoners in the Australian Colonies.’

administration of the system, but is essential to itself. It provides no means by which industry and steadiness can be so determined, from day to day, as to prevent abuse in rewarding them ; it does not think, in fact, of rewarding such virtues at all ; it is content to owe them, if obtained, to that submissive-ness, obedience, and quailing under restraint and menaced hardships, which are its highest moral aspirations ; and it has no apparatus fitted for more elevated views. Any set of men in the world then, would be ruined by this management : it may be safely said that even the most virtuous and intelligent in the kingdom would speedily be destroyed by it. It is notorious in the penal colonies that the new arrivals are much better generally than the older prisoners, though they speedily acquire all their ways. But such an ascendancy is given to all evil in the management to which they are after their arrival subjected ; such fetters are thrown by it over all good ; such scope is afforded for the development of bad passion ; so narrow is the sphere for every virtue except submissiveness, not in itself a virtue at all, but rather a weakness, preparing for evil influence as much or more than for

good direction; that the real nature of the result cannot be doubted. There may be a question of degree, but certainly not of kind.'

The testimony we have adduced does then entirely corroborate our statement that no motive to virtuous action, no voice of encouragement is permitted to exercise its friendly influence over the minds of these poor convicts. Surely this is a crying evil, and one which must rouse the indignation of every friend to virtue and humanity.

Again, the system of which we complain *overlooks individual reformation, and exposes men to certain deterioration.*

It distinctly avows that the reformation of the convict forms no part of its scheme. Punishment for the past is all that is contemplated. No pains is taken to render the prisoner more fit to return to society than when he left it. An object so magnanimous as this, seems too good to be expected of a system which assumes an air of implacable animosity towards the prisoners. It is even questionable whether the advocates of such a system have ever seriously wished that the prisoner should return to society a reformed character; for, wishing it, would they not have perceived the absolute impossibility of

such a result from the very nature of the process to which they were exposing each prisoner? They must surely forget that their whole course of treatment has the effect of certain deterioration. With the absence of all incentives to virtue, and the presence of a powerful corrupting agency, what can be expected but gradual, and certain moral declension? It is this which in our opinion constitutes the worst feature in the present system; for the evil thus inflicted is incalculable.

To shut out a human being from all means of reformation, and thus to exclude all hope of well-being, whether in this world or the world to come, is an act which the great enemy of mankind alone can approve, and which the Almighty, who hath placed men here in a state of probation, must utterly abhor. Such a course then is plainly repugnant to religion, and no blessing can be expected from it. In fact it proves, that religion herself is entirely discarded; her aid is unsought; her potency denied.

Public opinion has of late years inclined towards the total abolition of Capital Punishment. But we maintain that the sympathy

which has been excited on this subject, has taken a wrong direction. What is the punishment of Death, compared to that which is substituted for it? The great object of this life is to prepare for a better. But the life of the reprieved criminal is only spared in order to increase his unfitness for another world. By dooming him to moral privations, and denying him all religious aid, we are practically cutting off so many years from the period which a God, more merciful than we are, has granted him to prepare for eternity. Surely it would be kinder far to have exacted his life in the first instance, than to spare it in order that by all possible human agency, we may make a very devil of him before he is called by natural death to enter the unseen world! This has been the feeling of prisoners themselves, when the reprieve has been brought them. We have heard of one* who, having been sentenced to death at Sydney for heading a mutiny, had prepared his mind for that solemn event; for he was a man not destitute of feeling, and, in some respects, a fine character. But he had been

* William Douglas, who seized the brig *Wellington* in the year 1836.

driven to desperate acts by the severity shewn him, and, in concert with others, had seized on a brig, in the hope of regaining liberty. He, and the other mutineers were however taken, and sentenced to death ; but in the evidence, it appeared that he had saved the captain's life, when all the others had wished to put him to death. For this act, a reprieve was ordered. With the rope round his neck, and at the instant when he was expecting death, this reprieve was announced to him ; and the wretched man declared that it was with unutterable anguish he heard that his life was to be spared ; he knew what consequences awaited him ; he felt he should never be better prepared for death than he was then ; and he was absolutely horrified at the idea of bringing more guilt upon his soul by being exposed to a tide of iniquity, which he felt he should be unable to resist. This poor man yet lives, and we have heard that he has lately, by another act, been returned to Norfolk Island for life. Such then is the miserable alternative which is afforded our criminals, when capital punishment is exchanged for transportation. Surely every humane mind must acknowledge that before the aboli-

tion of the punishment of death is attempted, we ought rather to turn our attention to the entire renovation of that mode of punishment which is substituted for it.

The last evil which we shall notice in this system is that *it restores men to society worse than when they left it, and thus propagates a moral plague throughout the world.* Nor can we wonder, that this should be the final result of the course of treatment which we have been considering. We have seen that *arbitrary power* is permitted, when it chooses, to drive the prisoner to desperation, till he becomes hardened against all punishment. We have noticed that the whole system is tainted with *slavery*. It has also been shewn that from the *want of proper classification*, the prisoners are practically associated together, so as to corrupt each other ; that *every incentive to virtue is excluded*, so as to render the practice of it nearly impossible ; and that the *reformation of individual character is neglected*, while the men are at the same time exposed to *necessary deterioration*. What can be expected from all this but that the convicts, if ever let loose upon society, *must return to it tenfold worse* than when they left

it, and must become *agents of evil* wherever they go? The convict feels that he has a just quarrel to revenge on his native land. It is computed indeed, that not more than one in a hundred ever does return home ; for it frequently happens that sentence after sentence is heaped upon them, till they have worn out a miserable existence in these penal settlements. Those who do regain freedom generally settle in some part of the Southern Hemisphere ; and then the bad passions which have been roused in them, but which from sheer policy have hitherto been stifled, will begin to act with inconceivable energy, will tell fearfully upon the character of every community, and islet which they may choose to visit. What is the cry from Missionary stations of Australia and the Pacific ? what but that the convicts, let loose upon them, are demoralizing and ruining the native population ? Numbers of prisoners too are annually effecting their escape, and these, being out-laws themselves, delight in lawless acts of violence ; they infest the seas, and even endanger British commerce. Who then shall venture to predict where these evils will terminate, unless indeed they be at once arrested, and

a remedy for them, quickly applied ? * The universal testimony which is daily flowing into this country from all parts of the Southern Hemisphere, is that our criminal population have become the very curse and plague of those communities ; that all existing regulations have utterly failed in arresting the progress of crime ; and that human nature has, in these wretched beings, assumed an aspect of depravity which constitutes our penal colonies a very pandemonium on the face of the earth. For, were it possible to form a hell upon earth, would it not be by

* In reference to this subject; Archbishop Whateley has made the following observations in a Letter respecting the Evidence taken before the Transportation Committee in the year 1838.

‘ For instance, the amount of misery produced to the Aborigines, not only of New Holland, but also of New Zealand, and a large portion of Polynesia, may, for the most part be traced, directly or indirectly, to the influence of our penal colonies. The extirpation of a great proportion of these Aborigines, under every aggravating circumstance of cruelty and injustice, is by no means the worst item in the shocking catalogue. Disease, degradation, and profligacy have been widely spread through all those regions, in proportion as they have been visited by stragglers from this (as it may be fitly designated) metropolis of wickedness ; and the moral contagion is every year diffusing itself more widely through each hemisphere.’

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the associating together of such men as have already formed a hell within themselves? And is not a Christian nation answerable for this abomination? Where in all God's earth shall we find humanity so polluted? The very heathen themselves are not so depraved, for they have not fallen from so great a height as the criminals of a nation professing Christianity. And yet, how paradoxical is our conduct! we care for the heathen, but we care not for our criminals; they are deemed the worthy objects of execration, of unmitigated slavery, of every vindictive manifestation. Yet they are in a much nearer sense than the heathen, "bone of our bone, and flesh of our flesh." Is it not obvious therefore, that there exists some cause of dislike, yes, even of animosity towards them, which exists not in our minds towards the heathen? Yes; they are our *enemies*! and *we cannot forgive them*. We can send the gospel of good tidings to the heathen, for *they have not injured us*; but our Christian zeal languishes when our *enemies* are to be served; we believe *them* too bad to be made good, we have to be *avenged* on them, and this object is inconsistent with any benevolent attempt at their

reformation. Oh ! let us take shame to ourselves for indulging in such a spirit as this. Let us look to our creed, to our Bible, to our God ; and then let us as a nation *forgive our enemies* by shewing our desire to promote their best interests. We are not indeed required to throw open the prison-doors and let loose the criminals ; for justice must be satisfied, and society must be protected from the perpetration of crime ; but our religion expects of us that our criminals should be reclaimed by every means in our power. Oh ! if we could but estimate crime as *God* estimates it ; if we could but view sin, as *God* views it ; we should be roused, not to implacable animosity against the perpetrator, but to fervent, strenuous efforts to deliver him from the soul-destroying evil. We should scan the eternal consequences to the immortal soul ; this is the only accurate admeasurement, the only standard guage of crime. And if this be our criterion, we shall not employ ourselves in selfish calculations respecting the amount of evil which our property or our persons may have sustained from the acts of the criminal, but we shall be disposed to rise above all selfish considerations, we shall be

willing to consider the interests of time as trifling compared to the interests of eternity ; we shall recollect that the being who has injured *us*, has injured *himself* far more ; and we shall feel disposed to look beyond the lesser evil inflicted on *us*, and contemplate the greater evil inflicted by the criminal on *himself*. Such would be the dictate of practical Christianity. It would teach us even as a nation to *love our enemies* and to *do them good*.

And not only Christianity, but sound philosophy urges us to employ benevolent agencies in the management of criminals. Those who look only at the natural adaptations of the human mind, and study the laws by which it is governed, will tell us that by sympathies and not by antipathies, man's spirit may be controlled, and his actions regulated. It belongs especially to the philosophy of the nineteenth century to demonstrate the superiority of moral force to physical violence, when rational beings are to be controlled. We have already been satisfied, that the power of persuasion will do more than the power of coercion in the case of *maniacs*. Let us not be backward in acknowledging its

superiority in its own legitimate province—the regulation of beings possessed of reason, and capable of moral aspirations. Let the *reformation* of convicts be made an object of primary importance. Let penal settlements be regarded as hospitals of the mind, as schools of moral and religious training, where, though the inmates may be subjected to severe suffering, or to rigorous discipline, yet it is made manifest that all the treatment is conducive to ultimate recovery, to the positive well-being of the individuals whom it affects.

CHAPTER IV.

CRIMINALS ARE ACCESSIBLE TO MORAL SUASION.

It has been asserted that whatever is added of benevolence, in the treatment of criminals, is taken from punishment ; and this has been urged by those who would adhere to the old course of unmitigated severity. In reply we would maintain that benevolence may often be very consistent with the infliction of suffering. It is thus in the case of parental chastisement, which is prompted by the purest benevolence ; and which, when judiciously administered, never diminishes the affection of the child for the parent, because the child sees clearly that its real good has been sought, and that the punishment it has received was well deserved. In the case of criminals, if certain measures, though having the appear-

ance of severity, are calculated to benefit them, such measures are consistent with benevolence. If, for example, it be found that the doing away with the system of rations, and making the prisoners earn all but the bare means of subsistence, is calculated to excite industrious habits, and to improve their general character ; benevolence itself would recommend the measure, though it might be deemed an addition to the amount of punishment. If, again, it should appear advisable to detain a prisoner under salutary discipline and restraint, beyond the original term of his sentence, because he has hitherto defied all attempts to improve him, such a prolonging even of punishment would be dictated by benevolence ; because, though painful in itself, it would have for its object the real good of the individual. So that the advocates of severity are mistaken when they imagine that the introduction of a benevolent administration would banish punishment from our system.

We may further support our position by referring to the fact that men become more keenly sensitive of disgrace and infamy in proportion as the tone of their minds is raised.

And thus, the punishment which, in a state of obduracy, makes no impression, may have great poignancy in the case of the man who has become softened and penitent by a benevolent attempt to improve his character. He is made sensible of his ingratitude to God and man, and this creates a remorse which adds greatly to his sufferings. He feels the *stain* on his *character* more than the *stripe* on his *person*; he bewails the injury and the grief he has inflicted on his relatives and friends; and, if he be made truly religious, he will feel, more than any thing else, what an evil and a bitter thing it is to sin against his God. That criminals are capable of this moral sensibility is the object of the present chapter to shew. Public opinion has in general decided far too hastily on their character. It has reasoned on the abstract commission of crime, without considering the process through which the criminal has passed; and, reasoning thus, it has been led to the unjust conclusion, that a being, capable of enormous acts of wickedness, must be wholly incapable of moral aspirations. We declare this to be a fallacy, because, no proof has been given that the same individual, if

placed under circumstances favourable to moral culture, would be wholly unimpressed by them. Far be it from the writer or the reader to speak lightly of crime, whether committed against God or against man. To the truly pious mind, sin, wherever it appears, must be "exceeding sinful," and it is not by trifling with moral obligations that we shall benefit any class of mankind. We do not intend so to espouse the cause of the prisoner as to attempt by sophistries to explain away his crime, until it shall appear no crime at all. Our object is simply to prove that, sinner though he be, he is yet susceptible of good impressions, if he be fairly tried.

In order to make out our case, it is necessary that we should enquire into the general history of prisoners previous to their committal for crime. This will discover to us that,

I. Their crimes have generally proceeded from ignorance and evil example.

The greater part of our criminals have come from the lowest walks of life, where ignorance of a most appalling kind generally prevails. Notwithstanding the efforts made throughout the kingdom to educate the poor;

thousands and tens of thousands of them live and die without the knowledge of those truths which affect their present and eternal welfare. And can we expect that any thing short of religious truth will be sufficient to ensure integrity and virtuous living? It is evident that our criminal population are ignorant of the obligations of religion and morality. We do not pretend to find in this an excuse for their evil deeds. Conscience, God's vicegerent, must render them, like the heathen, 'without excuse.' But the dictates of conscience, though they render the transgressor inexcusable, have never yet been found sufficient to preserve men in the paths of rectitude. And He who "knoweth our frame, and remembereth that we are but dust," hath provided us with the only incentives which are sufficiently powerful to enable us "to refuse the evil, and choose the good." The gospel of Christ alone can reclaim the rebel heart of man, and hence the absolute and solemn necessity which exists of bringing this gospel home to every human being. Where its truths are unknown, what can we expect but the manifestations of every evil passion to which our nature is prone? "Who can

bring a clean thing out of an unclean? not one." How lamentable therefore is the case of those of our fellow creatures who are born destitute of the means of religious instruction; who, from their earliest infancy, have lived in ignorance of those precious truths which alone can secure holiness in this life, and happiness in the life to come. Surely, such a state claims our utmost compassion, and when we see a fellow creature erring through "lack of knowledge," let us remember that it is not because he has refused the good and chosen the evil, but because the good has never yet been presented to him. He has never yet been put to the test, nor experienced the power of that gospel which turneth men "from darkness to light, and from the power of Satan unto God." Incredible as the fact may appear, it is nevertheless true that thousands of our fellow countrymen in this Christian land, are still in this appalling condition. Our gaol populations afford sufficient proofs not only of religious destitution, but of the absence of all education in the majority of the inmates. The greater part of them are unable to read or write; and this is particularly the case with our transported criminals:

But not only through *ignorance*, but through *evil example* also our criminals have in most cases been led on to the commission of crime. Here too we shall find much cause for commiseration, when we reflect on the untoward circumstances in which so many of our fellow-creatures are placed. Who can go through the crowded alleys and streets of our great metropolis, of our towns, and even villages, without witnessing heart-rending scenes of wickedness, enacted even by parents themselves, in the presence of their wretched offspring? What sounds for the infant's ear! what language is he early taught! what immoralities does he daily witness in those whom nature teaches him to regard with reverence and affection! How fearful is the strength thus imparted to every evil propensity which the child by nature inherits! Can we wonder that this early training in vice should lead to most ruinous consequences in after life? The child grows up in companionship with other children who are tutored no better than himself; his nest is a nest of iniquity; he is quickly initiated in every vice; he grows into manhood, surrounded by wicked associations; his mind has become

so perverted by habitual contact with evil, that he is blind to all perception of good ; he is thus led to " call evil good, and good evil," and through the remaining scenes of life, he takes for his motto that soul-destroying maxim, "evil, be thou my good." And is not some allowance to be made for the poor unhappy being who has thus, by the circumstances in which his lot has been cast, received a most fearful bias in favour of wickedness ? Shall we not bear in mind his misfortune, and, while we thank God that we have been made to differ, shall we not relent in our feelings towards him ; and, instead of dwelling on the abstract enormity of his crimes, shall we not rather imitate a Saviour's moderation, and remember that the servant who knew not his Lord's will and did commit things worthy of stripes, should be beaten only with few stripes ?

There may indeed be persons who, while they have some charitable disposition towards criminals, and while they feel willing to give them a chance of moral recovery, are yet disposed to doubt the success of any effort to disseminate religious principles among the hardened and depraved. We might

answer these by saying that it is our duty to make the attempt and leave the result to Him who has given us the command. We might answer that the gospel was in the first instance especially to be proclaimed to murderers, even to the murderers of our Lord himself; for the disciples were commanded to "*begin at Jerusalem.*" But we will resort to lower grounds than these. We will assert that in general the very circumstances of our transported criminals prepare them for the salutary operation of benevolent, reformatory efforts. True, many of them, from their infancy, have been doomed to none but vicious associations. The mother, whose drunken brawlings were the first sounds that met the listening ear of childhood, and who taught them to lie and steal; the companions, who through life's unhallowed scenes, have instructed them in ribaldry and every vice; these may indeed be the only teachers they have ever had. But who shall tell the effect of the first voice that in gentle accents awakens their sympathies? Who shall tell the eloquence of that appeal, which, in the midst of their wretchedness and hopeless misery, yet brings intimations of Him who is the sinner's

friend ; and pours forth that balm which the wounded spirit knows how to appreciate ; and teaches for the first time that there is a God in heaven who “ willeth not that any should perish,” but that all should turn to him and live ? Yes, we have heard of instances where the hardened criminal, who had defied every vindictive chastisement, has yet been melted into tears at sounds such as these, and exclaimed : ‘ they are the first kind words I have ever heard.’ Surely the hardness of heart must be in the man who can be unmoved by such a spectacle of misery as this, and if he turn away from the poor criminal, and “ shut up his bowels of compassion from him, how dwelleth the love of God in him ? ”

In considering the causes which have operated most injuriously on a large proportion of criminals, and rendered them apparently insensible to moral influences, we may notice that,

II. *The sternness of their characters is owing to the early blasting of tender affections, and long subjection to hardship and severity.*

Those who have devoted much attention to the education of the young, know how

much depends on a right bias being given to moral sensibilities at their first development. Pliancy of character, which is so remarkable in the young, affords great facilities for good or for evil ; and, while the natural tendency is to evil rather than to good, yet the mind is as yet very impressible ; evil has not grown into a habit ; the gentler virtues may, by mild and judicious treatment, be called into lively exercise, and the fiercer passions are more manageable than at any other period of life. But what if no pains be taken to secure betimes the advantage which nature thus holds out for early initiation in virtue ? What if those to whom the care of infancy is entrusted, wholly neglect their charge, and by harsh treatment, by evil example, by constant indulgence in violent and vindictive feelings towards their children, blight the early and fair promising bud, and impregnate it with the elements of corruption and deformity ? Is not this a true picture of the families out of which our criminal population is chiefly formed ? Severity of treatment in early life thus begets a hardihood and daring which mark the character of the future man. Nor are the circumstances of after-life at all cal-

culated to counteract the evil thus begun. Many causes combine to render the life of the poor man replete with hardships, and temptations to the commission of crime. His very poverty brings peculiar trials of principle along with it. Agur felt this when he said, "Give me neither poverty nor riches ; feed me with food convenient for me : lest I be full, and deny thee, and say, who is the Lord ? or lest I be poor, and steal, and take the name of my God in vain." *

We have before remarked that many state enactments fall very heavily on the poor man, which pass harmlessly over the rich. These are indeed the evils incident to his lot, and inseparable from it ; and they ought to be taken into the account when we estimate the poor man's character. We shall thus find that he is ' more weak than wicked, and more unfortunate than either.' We shall perceive that the hardships and sufferings to which he is exposed, have imparted their iron qualities to his demeanour, and created that apathy which we are wont to consider as a positive deadness to all moral sensibility.

* Proverbs xxx. 8, 9.

But a deeper insight into the subject will lead us to discover that,

III. *In proportion as such men have been strangers to kindness will they be affected by a demonstration of good will.*

As violence begets violence, so sympathy will awaken sympathy. Let an individual who has never known any thing of 'the law of kindness,' be once made the subject of anxious solicitude; let him be made sensible that his welfare is sought, that he possesses a *friend* in the midst of adversity; and he will quickly shew that he is alive to tender emotions; desires and affections which have long lain dormant, will begin to stir within his bosom. A new life will be opened to him. Hitherto his dreary existence may have been spent in a continued warfare against himself, and he may have been the destroyer of his own peace; for sin not only does not *make* a man happy, but it will not *permit* him to be happy.

Hitherto he has fought not only against himself, but against his God, and against his fellow-creatures. Hostility has characterized all his actions. "His hand has been against every man, and every man's hand against his."

But should his progress be suddenly arrested by a being clothed in all the attributes of benevolence ; should his attention be awakened by an appeal to his own interests, and by a friendly manifestation of anxiety on his account : he will soon throw aside the weapons of his hostility ; he will listen with interest to the proposals for his benefit ; he will be melted into tears by the evident desire to do him good. Such is no exaggerated picture of the impressions often made upon our poor criminals, when they become the subjects of a benevolent agency. Let the magnanimous exertions of a Howard and a Fry bear witness to the success of efforts like these. Let the prisoners of Newgate acknowledge the omnipotent and irresistible force of kindness. Let our own hearts confess what it is that has most efficacy in subduing them ; to what power we are most willing to surrender, the power that coerces, or the power that persuades.

And let us not forget that beautiful discovery of modern times which proves that even maniacs may be controlled by mild, persuasive treatment. Man, even when bereft of reason, is not bereft of that delicate principle

of his nature which teaches him to look for sympathy. The ascendancy which is thus acquired is the more powerful, as it is unsuspected ; and a submission not the less passive because it is voluntary, will mark the conduct of the being who has hitherto defied all control. But apart from human agencies,

IV. The Gospel pre-eminently possesses the power of renovating the heart and life, and it can subdue the most hardened malefactors.

This is indeed the Divine method of subjugating man. It is the only means which infinite wisdom hath devised for the conquest of a world of criminals. It is described as " the power of God unto salvation to every one that believeth." To deny its efficacy is to proclaim that we ourselves are strangers to it. To refuse it those whom we consider too vile to be made pure, is to falsify the statement of the Son of God, when he said, " I came not to call the righteous, but sinners, to repentance." Let us turn to the language of the pious and eloquent Dr. Chalmers, who has so touchingly depicted not only the softer parts in a criminal's character, but the triumphant success of Divine grace in the worst of men.

He says that, ' Even among the most hackneyed and most hardened of malefactors, there is still about them a softer part which will give way to the demonstrations of tenderness,—that this one ingredient of a better character is still found to survive the dissipation of *all* the others,—that, fallen as a brother may be from the moralities which at one time adorned him, the manifested good will of his fellow men still carries a charm and an influence along with it ; and that, therefore, there lies in this an operation which, as no poverty can vitiate, so no depravity can extinguish. Now, this is the very principle which is brought into action in the dealings of God with a whole world of malefactors. It looks as if he confided the whole cause of our recovery to the influence of a demonstration of good-will. It is truly interesting to mark what, in the devisings of his unsearchable wisdom, is the character which he has made to stand most visibly out in the great scheme and history of our redemption ; and surely, if there be one feature of promineney more visible than another, it is the love of kindness. There appears to be no other possible way by which a responding affection can be deposited

in the heart of man. Certain it is that the law of love cannot be carried to its ascendancy over us by storm. Authority cannot command it. Strength cannot command it. Terror cannot charm it into existence. The threatenings of vengeance may stifle, or they may repel, but they never can woo this delicate principle of our nature into a warm and confiding attachment. The human heart remains shut, in all its receptacles, against the force of these various applications; and God, who knew what was in man, seems to have known that in his dark and guilty bosom there was but one solitary hold that he had over him; and that to reach it, he must just put on a look of graciousness, and tell us that he has no pleasure in our death, and manifest towards us the longings of a bereaved parent, and even humble himself to a suppliant in the cause of our return, and send a gospel of peace into the world, and bid his messengers to bear throughout all its habitations the tidings of his good-will to the children of men. This is the topic of his most anxious and repeated demonstration. This manifested good-will of God to his

creatures, is the band of love, and the cord of a man, by which he draws them.*

The only remaining point which we would urge on the reader is that,

V. The whole system of treatment must be consistent with what is taught, or the inculcation of religious truth will be neutralized.

This is a consideration which seems to have been overlooked, but which nevertheless deserves most serious attention. Can it be supposed that criminals will be blind to the difference which subsists between the truths they are taught and the principles on which they are governed? Of what use is it to open their eyes to the iniquity which lies around them, while escape from it is rendered impossible? Or on the other hand, can any thing be more dangerous than the systematic exhibition of Christian doctrine apart from Christian practice? Is not inconsistency of conduct with profession the parent of self-delusion and hypocrisy? What can be more ruinous than trifling with conscience after it has been enlightened by religious truth? And yet such must inevitably be the case when

* Sermon by Dr. Chalmers, 'On Gratitude not a sordid affection.'

criminals perceive that the truths they are taught are uninfluential on those who teach them. Do we not know that example has more force than precept? What is more likely than that the treatment which our criminals undergo should prove a stumbling-block to their reception of religion? They must either sink into infidelity, and make a mock of religion; or, they must content themselves with a formal and uninfluential profession; their consciences must become seared; they will listen to the most solemn doctrines of revelation, and remain uninfluenced by them; and "the last state" of these men will be "worse than the first."



CHAPTER V.

EVIDENCE IN SUPPORT OF MORAL TREATMENT.

To those who have witnessed the power of the Gospel in subduing the most rebellious spirit, the statements of the foregoing chapter will not appear visionary ; and should any be disposed to doubt the possibility of bringing hardened wretches under the practical influence of religious principle, we have happily ample proof at hand, that such result has actually been achieved. It is with no ordinary feelings of satisfaction, that we hail the volume which in the last few months has appeared from the pen of Dr. Browning, who, as Surgeon-Superintendent of the *Earl Grey*, accompanied 264 convicts in their voyage to Van Dieman's Land, during the year, 1842-3. 'The Convict Ship,' is a volume which furnishes us with most delight-

ful instances of the power of religion on the mind, even when sunk in the lowest depths of depravity and vice. That the reader may form some estimate of the good effected among these prisoners, it is necessary to acquaint him with the ignorance which prevailed among them previous to their embarkation. Of those who could read and write, (many of them very imperfectly) there were 53 ; —of those who could read only, 23 ;—of those who could neither read nor write, 188. Schools were immediately formed on deck ; the whole of the prisoners were classified ; religious instruction was made the basis of all that was taught ; and by the time the voyage was concluded, every prisoner on board was able to read the Scriptures for himself, and he had also been well instructed in their meaning. Towards the close of the voyage, we find the following statement respecting the good which the prisoners had received.

‘ No small benefit, it will be admitted, was conferred upon the prisoners, in *one hundred and eighty-eight* of them (with the exception of one man, whose progress at school was inconsiderable) having been taught to read those sacred and inspired writings which

God, in his abundant goodness and mercy, hath given to mankind for instruction unto life; in *seventy-seven* having been *much improved* in their ability to read; and in the whole on board, that is, *two hundred and sixty-four* men, having been, during a period of so many months, kept under the operation and influence of such a system of instruction and moral discipline.' (pages 290, 291.)

During the course of the voyage, many of the prisoners gave evidence that the religious instruction bestowed on them was not in vain. The letters of W— B—, and of R— R—, relating their respective histories previous to transportation, and the manner in which a decided change was wrought in their minds, are truly affecting. We earnestly entreat every reader to procure this volume, as it affords much valuable testimony to the power of moral and religious agency in the treatment of criminals. We perceive with growing satisfaction, as the narrative advances, that those who had been brought to a conviction of sin, and who had manifested considerable anxiety for religious instruction, were enabled to maintain a consistent profession, and con-

ducted themselves with marked propriety and submission throughout the voyage.

And when, from alarming illness, Dr. Browning's very life was despaired of, the feelings manifested towards him by his men, and their conduct when he could no longer personally maintain his authority over them, prove beyond all doubt the moral ascendancy which he had acquired, and prove also that we have only to awaken the better feelings of prisoners, and we shall presently find them very capable of virtuous endeavour, and alive to moral obligation. Dr. Browning thus narrates the conduct of his men during his illness :—
' I had no alternative but to direct my removal to my hospital, where a berth was instantly prepared for my reception. Here I received, night and day, the unwearied and devoted attention of my men ; and nothing could exceed the zeal, the good feeling, and the sleepless watchfulness, with which they waited upon me. They seemed to identify my life with their own. If anything could be more gratifying than the kindness they manifested towards me personally, it was their manly and steadfast,—their uniformly consistent and admirable behaviour, without, to my know-

ledge, or that of my petty officers and schoolmasters, one single exception. The most fervent prayers were, I believe, with tears, offered up for my life and restoration to health, and to *my post* amongst my now afflicted people. Such of them as I desired to read the Scriptures to me, came to my bed-side, and their conversations and prayers were most edifying to the mind, and most soothing to the heart and feelings. Nothing could appear further off from the generally apprehended character of a *convict ship*, than was the general aspect,—the spirit and conduct of my men in the *Earl Grey*. I felt myself surrounded by people who seemed to fear and to love God, and to be influenced by a Christian spirit ; and their treatment of me was equal to anything that could be expected from the oldest and most faithful and devoted friends. The power of the love, and the Spirit, and the Gospel of Christ upon these men's hearts and minds, was most manifest, and most worthy of being regarded as matter of thanksgiving and praise to the Father of mercies, and God of all grace and truth. No doubt, a dread of my removal from them by death, was universally felt ; but it would be most unjustifiable,

and absolutely ungrateful in me, to trace their deep and practical interest in my recovery, to no higher principle. I must believe they regarded me at once with respect, affection, and gratitude. To think differently of my people, would be to do them serious and unkind injustice.'—(p. 224, 225.)

What noble proof is thus afforded to the superiority of moral and persuasive influence! But it is useless to comment upon such passages as that which we have adduced. The intelligent and candid reader will not fail to draw from them, conclusions which are so obvious. We shall therefore content ourselves, with a few additional extracts, as affording most striking evidence in proof of our general position, that moral power is the right means to use in managing prisoners. The following document is a most extraordinary instance of voluntary co-operation on the part of criminals, in the work of their own reformation, and of the practical fruits which may be expected when a deep and sincere contrition has been wrought in their minds.

'We, the undersigned, prisoners by the Earl Grey, have resolved, should it meet the approbation of those placed in authority over

us, to lay by a portion of our earnings until we have saved the sum of TEN POUNDS sterling each, to be placed in the hands of His Excellency, the Governor of Van Dieman's Land, for transmission to the Chancellor of the Exchequer in England; as a practical expression of our sorrow for the injury we have inflicted on our country and on society, by our former irregular and illegal conduct; and, at the same time, as a small contribution which is most justly due from us towards the defraying of those expenses to which we have most unhappily put our country and government; and further, as a proof of the change which has taken place, during our voyage, in our character and views, as well as an intimation of our humble determination, with divine aid, to live and act, in future, as loyal and obedient subjects, and as it becomes reformed, upright; and useful members of the community.'—(pages 254, 255.)

This document was signed by *one hundred and thirty-two* of the prisoners, exactly *half* the number on board. The reader will we trust excuse the production of another document, which though of some length, bears such important testimony to the good work,

that we cannot refrain from including it in our body of evidence. It is an ADDRESS from the prisoners, and presented by them un-animously, without a single exception, to Dr. Browning, at the termination of the voyage.

‘ To Dr. Colin A. Browning, R.N.

‘ HONOURED SIR,

‘ The thought of being separated from our friends casts a gloom over the mind ; but to be parted from one who has taken such a deep interest in our present and eternal welfare is peculiarly painful.

‘ As an Officer, a Gentleman, and a Christian, from the first moment you came among us in the yards of our respective hulks, your manner to us has been that of a fond and an affectionate father to his long-lost and prodigal offspring. You addressed us, though a disgrace to our friends and our country, and degraded in our own and the public estimation, as fellow-sinners, and as subjects of God’s moral government. To ensure the instruction of our minds, you daily poured on our hearts a flood of comfort and consolation from the encouragements of the Gospel to the chief of sinners. Your fervent prayers

we hope have been heard and answered, and your instructions applied. You clearly shewed us from Scripture and our own experience the effects of disobedience, and of a profligate life, and the connection that subsists between sin and suffering.

‘ By your unwearied exertions, the Word of God, which comparatively few could then read, is now no longer a sealed book to any one of us. Self-government and an implicit compliance with the lawful injunctions of our superiors have been inculcated and strongly recommended to our observance. Nor have our social and relative duties been overlooked or forgotten in the midst of your multifarious vocations ; for whatsoever things are true, honest, pure, lovely, and of good report, have been set before us, and impressed upon our minds.

‘ Confessing our unworthiness before God, we desire with heart-felt gratitude to bless Him for preserving us from the fury of the thunderbolt, the storm and the tempest ; from the rage of conflicting elements, and the power of disease : but in an especial manner we praise Him for making known to us by His word and Spirit, the way of everlasting

life, through the mediation of His dear Son, our only hope and Redeemer; and as we know your aversion to every thing like adulation,—your conviction that all spiritual illumination and improvement are alone effected by the eternal Spirit,—are fully aware of the *dread* with which you regard the very thought of referring to any creature that which is to be wholly attributed to the Almighty power of the Holy Ghost,—we would, while we thank God for your instrumentality, desire to unite with you in rendering to Him all the glory of all the saving work, which He hath been graciously pleased to accomplish in any of our hearts during our passage from England to these Colonies.

‘ We would congratulate you on your recovery from your late illness and imminent danger, and pray to God to perfect, in His goodness, your health, and to comfort your soul with the joys of His Holy Spirit.

‘ We beg to express our warmest thanks for your patient, careful, and successful attention to the sick; for your earnest efforts to instruct our minds, to enlarge our understandings, to extend our knowledge, to improve our morals, and to persuade us at all times,

particularly during our present unfortunate situation, to be most attentive to our respective duties. For these, and for every other act of kindness experienced at your hands, we feel sincerely grateful: and deplore that any one of us should, at any time, have caused your mind the slightest uneasiness; or should have done or said any thing to meet your disapprobation, or demand your censure.

‘ Whilst we lament our misconduct and misfortunes, we confess the justness of our sentence, and beg leave to profess our affection and loyalty to our Sovereign and attachment to her government; our resolution, by a willing submission to the laws of her representative in the colonies whither we are bound, to approve ourselves as reformed from our vices and follies; and we earnestly implore that divine grace may enable us to submit in a proper form, to do all things as unto Christ Jesus.

‘ We also beg to acknowledge the kindness of the Admiralty in providing for our wants and comforts on our way hither.

‘ Honoured sir, we cannot take our last leave of you without feeling a deep sense of sorrow that our crimes were the cause of our

meeting, and must also be the cause of separation, and that to opposite sides of the world, in all human probability, never to meet more on this side the grave. Oh ! may we all, through rich and free grace, meet in heaven.

‘ We beg to be affectionately remembered to the kind and Christian friends, and benevolent societies, who aided you in making so careful and liberal provision for our spiritual wants. May you all partake largely of the blessings, the peace, and the joys of the Holy Ghost in Christ Jesus : to whose care we commit you, and wish you, with all our hearts, a safe and happy return to the bosom of your beloved family, and to your friends. .

‘ And that the peace of God may rest and abide on you all, now and for ever more, is the unanimous and earnest prayer of us all ; in whose name, and by whose permission, I am,

‘ Honoured Sir, your most obliged,

‘ Most dutiful, and obedient servant,

(signed)

‘ J— R——.’

‘ Inspector of schools.’

*Submitted on board the Earl Grey,
in the harbour of Hobart Town,
Jan. 14, 1843.*

Here we have the *unconscious* testimony of prisoners themselves, respecting the happy results of a benevolent system of treatment. It is not to be supposed that these were picked men ; a hundred convicts in one hulk or one transport may be supposed to be very similar in character to the same number of men in another vessel. The individuals in question had been promiscuously gathered together out of different hulks, and many of them at the out-set had manifested a sullen and obstinate, and even a malignant spirit. But they were subdued, and brought under systematic discipline and restraint ; and ultimately they exhibited those noble principles and feelings which we have seen depicted in their history. Dr. Browning had for some years previously been in the habit of conducting prisoners to the colonies, and it is gratifying to know that the same success had always attended his plans. It is also highly satisfactory to find that his men, as far as we can trace their subsequent history, were enabled to maintain a consistent behaviour.

The following *extract from his Excellency the Governor's certificate* speaks in the highest

terms of his management of the prisoners on board the '*Arab*,' in the year 1834.

'It is a most gratifying duty to record the expression of the very high approbation I entertain of Dr. Browning's efforts in the discipline and reformation of the convicts during the voyage, the success of which has surpassed any thing I could have anticipated to have been accomplished in so short a period. His mode of classifying the convicts; and the plain and simple manner in which he has imparted religious instruction to them, has given an *appearance* and a *mind* to these prisoners which I have never observed on any former occasion ; and I strongly recommend, that the approbation of his Majesty's government may be evinced by his being, at the earliest period, sent out in charge of another transport.'

A few months after their arrival, we find the following report respecting their conduct in the colony, shewing that they were enabled, at least for a time, to maintain a consistent conduct in spite of the heavy temptations to which they must have been exposed.

'The Superintendent of the barracks reports that they have been invariably clean, sober,

and regular, whilst at the same time, none of them have yet been brought before magistrates, for punishment, a fact which has never before occurred within the knowledge of the chief police magistrate, or principal superintendent; it usually happening that convicts, after their first landing and assignment, meet old comrades on the road to their several masters, and fall into the crime of drunkenness and other irregularities.'

Thus we see that the impression made upon them by religious truth was not a vague enthusiasm, or an evanescent excitement, uninfluential on their daily conduct; but they gave satisfactory proof that the principles which they had been taught, could maintain such a hold on them as to produce regularity and general propriety in their behaviour. But who that knows anything of human nature, does not tremble for these very men? Who that has obtained any insight into the deceitfulness of his own heart, and the constant need there is of living upon religious instruction as we live upon our daily bread, will not deplore the future condition of these men, both as respects their constant exposure to the strongest temptations, and the scanty

means which they are likely to have for further instruction in religious truth? By the present system we have seen that they must be compelled to associate with the most depraved and abandoned characters. Their good behaviour will itself expose them to the persecutions and sneers of their companions; for, it is a notorious fact that in the conventional slang of convicts, a man who does his duty is called a "bad" man, and a man who is ever ready to break through regulations is called a "good" man. So true it is, that these unhappy creatures "call evil, good; and good, evil!" Hence it is very evident that the present system inflicts more suffering on the well-disposed than it does on the perseveringly vicious. These last have only to endure the physical sufferings which their frequent outbreaks bring upon them; while those who would honestly endeavour to redeem their characters, endure not only the penalty of their past offences, but are exposed to a grievous amount of unmerited suffering on account of their virtuous endeavours; which must discourage them greatly, and render the practice of virtue nearly impossible. Surely this is a crying evil! That such is

indeed the tendency of the present system is fully corroborated by the following appeal of Dr. Browning, who, from frequent visits to our penal colonies, must be considered as an eye-witness to the evils which he laments.

‘ Several questions of great and vital importance are obviously involved in our usual mode of dealing with offenders. Are men to be *recovered* from evil habits, and from crime, and be rendered blessings to the community, and a stay to the state; or are they to be confirmed in their iniquity, be finished in crime, and made a tenfold more grievous curse than they were before? Are men to be placed in circumstances favourable to their walking in the way of believing and holy obedience, which leadeth to heaven, or are they to be placed under the certain operation of influences in the highest degree corrupting, and which tend to attach them more and more to the broad way of ungodliness, which leads to the regions of darkness and despair? What treatment, what course of dealing is most calculated, under the Divine blessing, to *avert the evil and secure the good*? What is, in ordinary circumstances, the tendency of injudicious imprisonment, and of transporta-

tion to the penal colonies under existing regulations? Is it to people the kingdom of Satan ; or to restore men to the love, and obedience, and enjoyment of God ? Those who have seen the working of this tendency will be at no loss to give to these questions the appalling reply, which Truth, " in a voice equal to a thousand thunders," requires to be given.' (p. 201, 202.)

In a subsequent page, we have the following statement : ' I have been led to perceive the terribleness of the punishment of transportation, the most piercing poignancy of which is derived from the consciousness of the guilt which subjected the offenders to so severe a visitation, and from the consideration that such punishment, taken in connection with its cause, places the unhappy criminal in circumstances most unfavourable to his reformation, and tending to the final destruction of his immortal soul.'

To this testimony respecting the evil tendency of the present system, and the foregoing evidence, from the same source, of the happy results which may be expected from a benevolent system of treatment, we shall add the statements of several other individuals,

who, at various times, and in different parts of the world, have borne witness to the same truth.

In the Report of the Transportation Committee, to which we have before referred, we find some remarkable evidence given by Sir Thomas Usher, respecting the success which had attended a benevolent method of treatment in his management of the prisoners on board the hulks at Bermuda. He says :

‘ When I went to Bermuda, I found that one hulk was almost in a state of mutiny, the Weymouth, Miller, a master in the navy, overseer. It was from the overseer acting with the greatest inhumanity towards the convicts, so much so, that I dismissed him instantly. I sent him home, and the Colonial Secretary, I think it was Lord Goderich, very much approved of my conduct in sending the man home. There was a great unwillingness during this severe punishment, on the part of the men, to work ; but as soon as I dismissed that man, and sent him home, and gave orders to the overseers that they were not to use corporal punishment without the case was brought before me, and I myself awarded

their punishment, the men worked much better and with more willingness.'

' Did you find that a mild and kind system had greater effect upon the convicts than a severe system?—Most assuredly ; coercion did not do.

' But by treating them kindly, and giving them small indulgences, you found that you could manage them?—Some of them turned out remarkably well ; very good characters ; so much so, that I wrote home and obtained the King's pardon for a great many of them.

' What is your opinion of the effect of that system upon the ultimate reformation of the convicts under your charge?—I do not think I am saying too much in saying that *seven-eighths* of them have returned into society much better men than ever they were before they committed those crimes ; some of them were very petty crimes.'

The evidence thus afforded by Sir Thomas Usher to the superiority of persuasion to coercive and severe treatment, is the more valuable as he does not appear to have been influenced by an attachment to any particular theory, but his statements seem to be the spontaneous dictates of common sense and

common humanity. We consider his testimony therefore as very important.

From Bermuda, let us turn to Norfolk Island, where, though the general aspect of treatment is painful in the extreme, some solitary instances of benevolent, and reformatory efforts have within the last few years occurred. In a small tract which has lately appeared, entitled, 'A Tale of Norfolk Island,' we have most interesting proof that criminals, even at the eleventh hour, are not insensible to the demonstrations of kindness; and above all, we have striking testimony to the power of religion in supporting the mind even of criminals in the extremities of suffering, and when all hopes of human assistance and human mercy are entirely excluded. The tract to which we allude contains a most interesting account of some mutineers who siezed a brig, the 'Governor Philip' in 1842. They were taken, and confined in Norfolk Island previous to their embarkation for Sidney, to be tried for the capital offence. No hope could be entertained that their lives would be spared, and therefore the Protestant Chaplain, under whose care they were placed, endeavoured from the beginning to prepare

them for death. At first, they manifested a sullen spirit, and one of them especially, indulged in passionate expressions of impatience. After a few interviews with them, the chaplain perceived that their minds were softening. He joined with them in the penitential confession of sin, and instructed them in such truths as were most applicable to their state. At length they were brought to a deep sense of their guilt, and from that moment till they were launched into eternity, they maintained a humble, penitent, and submissive deportment, and most carefully refrained from any act of impropriety. Doubtless the kindness manifested towards them during their imprisonment, and the judicious treatment which they received, had a great effect in the first instance, in softening their hearts, and preparing them for the reception of religious truth. In proof of this we extract the following passage:

‘ They have long received extreme kindness from the commandant (Capt. Maconochie,) and are literally bewildered at finding that even this last act has not diminished the exercise of his benevolence. That anybody should care for them, or take such pains

about them, after their violent conduct, excited surprise—at first almost amounting to suspicion ; but this at length gave place to the warmest gratitude. They were, in fact, subdued by it. They read very much, are extremely submissive, and carefully avoid the slightest infringement of the prison regulations. At first, all this was confined to the three men I have mentioned ; but their steady consistency of conduct, and the strange transformation of character so evident in them, gradually arrested the attention of the others, and eventually led to a similar result. * * *

‘ In addition to the ordinary services, Captain Maconochie each Sunday afternoon has read prayers to them, and has given permission to a few of their friends to be present. Singular good has resulted from it, both to the men and those who join in their devotions. At the conclusion of one of these services, Sears stood up, and with his heart so full as scarcely to allow him utterance, to the surprise of every person there, he addressed most impressively the men who were present.

‘ Perhaps,’ said he, ‘ the words of one of yourselves, unhappily circumstanced as I am,

may have some weight with you. You all know the life I have led ; it has, believe me, been a most unhappy one ; and I have, I hope not too late, discovered the cause of this. I solemnly tell you that it is because I have broken God's laws. I am almost ashamed to speak, but I dare not be silent. I am going to tell you a strange thing. I never before was happy ; I begin now, for the first time in my life to *hope*. I am an ignorant man, or at least I was so ; but I thank God I begin to see things in their right light now. I have been *unhappily placed from my childhood*, and have *endured many hardships*. I do not mention this to excuse my errors ; yet *if I had years since received the kindness I have done here, it might have been otherwise*. My poor fellows, do turn over a new leaf ; try to serve God, and you too will be happier for it." The effect was most thrilling ; there was a death-like silence ; tears rolled down many cheeks, which I verily believe never before felt them : and without a word more, all slowly withdrew.'

This man's history was a very painful one. He had been transported for life, as being an accomplice in a robbery, though from circum-

stances which afterwards transpired, there is every reason to believe that he was entirely innocent. On his arrival in New South Wales, he was assigned to a master who treated him with great cruelty. From this master he had absconded, and being retaken, 'he was sent to Moreton Bay, another penal settlement, and endured three years of horrible severity, starvation, and misery of every kind.' On a subsequent occasion, being made desperate by cruelty and oppression, he absconded again, and for this last offence, he was sentenced for life to Norfolk Island. On the present occasion, when some of his companions determined to make an attempt on the brig, the love of liberty and a desire to escape from so much misery, induced him to join them. The chaplain thus writes of him :—

'For some time past I have noticed his quiet and orderly conduct, and was really sorry when I found him concerned in this unhappy affair. His desire for freedom was, however, most ardent, and a chance of obtaining it was almost irresistible. He has since told me that *a few words kindly spoken* to himself and others by Captain Maconochie when they landed, *sounded so pleasantly to*

him—such are his own words—that *he determined from that moment he would endeavour to do well*. He assures me that he was perfectly unconscious of a design to take the brig, until awoke from his sleep a few minutes before the attack commenced ; that he then remonstrated with the men ; but finding it useless, he considered it a point of honour not to fail them. His anxiety for instruction is intense ; he listens like a child ; and his *gratitude* is most touching. He, together with Jones, Woolfe, and Barry, were chosen by the commandant as a police-boat's crew ; and had, up till this period, acted with great steadiness and fidelity in the discharge of the duties required from them. Nor do I think they would even now, tempting as the occasion was, have thought of seizing it, had it not been currently reported that they were shortly to be placed under a system of severity, such as they had already suffered so much from.'

The change wrought in these men by a benevolent attempt to reclaim them, even when all hope, as respects this world, was cut off, and the success which thus attended the employment of persuasive methods in con-

nexion with instruction in religious truth, are fully corroborated by an official document, not before the public, which has been put into our hands, and from which we are at liberty to extract the following statements. Captain Maconochie, who was at that time superintendent of Norfolk Island, says in his official report of the mutiny, that these men had all been prisoners from a very early age, the leading mutineer from 11 years of age, four of the others from 14, another 18, another 22; and that all were in the first instance transported for very slight offences. They had all, however, led reckless lives in the colony, and some of them had before been capitally convicted for piracy and robbery, in Van Dieman's land, and sent to Norfolk Island on a commuted sentence.

‘The mutineers scarcely ever had a hope of life. Their act was so public, its immediate consequences so fatal, and the prepossession in the colony against permitting such to pass without capital execution, they knew, was so strong, that they began to prepare for death almost from the first; and so soon were their characters improved by this, that within a few weeks even, they rejected offers

made by some of their companions outside to endeavour to effect their escape, and in preparing their defence, they were most scrupulous in excluding every statement, however probable, that was not strictly true. They said that "they had been the occasion of sufficient slaughter already, and would not hazard more." The party which thus offered to take them, actually did get away. Their plan was remarkably well-laid. They built their boat in a cavity dug out in a hill behind an officer's fowl-house, in his garden, and avoided discovery by chaining a very fierce dog in front, as to protect the property. It was the most daring, and ingenious, and the only successful, of all the plans of boat-building that have been laid here, and for the last eighteen months they have been incessant. * * * *

. ' In my first report (August 1840,) I contrasted the operation of *separate*, and what I called "*social imprisonment*," in touching men's minds and feelings; and I came to the conclusion that the former is far the severer punishment, when vindictive punishment only is sought; but that the latter is the more favourable position, when a strenuous con-

curing effort is attempted to be made to reform. * * * * The circumstances in which these capital convicts (for such I deemed them) severally stood, appeared to me to furnish an occasion for further experimenting on this subject, not to be neglected. The crime of seven of them was one, and the prospect one. I resolved therefore to keep the seven together. Nor was I long in being confirmed in all my prepossessions in favour of the *social* method. I do not believe that the effect would have been half so good, had the mutineers been kept separate, or even secluded, as is usual with men in their position. But having undertaken the experiment, I was resolved to carry it out entirely to my own mind. I was most ably and zealously assisted by the Protestant chaplain, the Rev. Mr. Naylor, to whose congregation five of the men belonged,—who afterwards accompanied them to Sydney, and attended them to the last. A narrative which he has drawn up of the whole, and intends to publish,* is at once touching and instructive; and in this he

* 'A Tale of Norfolk Island.' Chamber's Miscellany of Useful and entertaining Tracts. We have already quoted from this.

rightly ascribes the credit of their change to the religious instruction, which it was his privilege and delight thus to communicate to them. Yet the secondary merit must be also conceded to the *social system*, of having them placed in the most favourable circumstances for its reception.'

'The season being winter, I placed them in a room with a fire-place in it, which was thus kept always comfortably warm; bodily suffering of any kind is injurious to moral impulse; but if it is of a kind that can be removed by indulgences, it is further detrimental by keeping the temper fretted. I gave them all comfortable stretchers and bedding, and I permitted a subscription to be made among the men outside, which in less than a day, exceeded five pounds, to purchase them tea and sugar, luxuries much prized by their class, and which they could not otherwise have had. I also from time to time, sent them a meal of fresh meat myself, and authorized others to do the same:—in our prison, from the indifferent state of the men's stomachs, through long confinement to salt meat, and the want of usual exercise, a very bad form of dyspepsia is very prevalent, and

I wished to keep the men right in body, that the means taken with their minds might have fair play. I visited them almost daily myself, and Mr. Naylor was with them some hours every day. Two of them being Catholics, threatened for some time to curtail his usefulness, and even perhaps break up the whole plan; but one, the least guilty (if guilty at all, and the Attorney-General did not at length even put him on his trial,) was compelled to be removed to hospital; and the other man afterwards cast but reprieved, insisted rather on turning Protestant than being separated from his companions. He was very ignorant, and came at length to the singular conclusion, that if he lived, he would become a Protestant, but if he died, he would die a Catholic;—he was unsettled, but not settled again, and his case I therefore considered a blot upon the experiment. (We ought to have two gaols, Catholic and Protestant, where the clergymen of each persuasion should have undisturbed scope for their most useful and interesting labours.) The instruction thus conveyed, however, the men all greedily received; every Sunday afternoon I read our English service, with a sermon,

myself in their room, admitting at the same time as many of the men from the outside as possible, studiously avoiding every thing controversial throughout the whole, attended thus indifferently by Catholics as well as Protestants, always accompanied by several members of my own family, and other free residents, and always keeping distinctly in view that the men on whose account we were assembled, were doomed to die, were preparing for death, and in this light only were objects of our interest. I never held out the slightest hope of pardon to any of them : I scarcely entertained it ; and at all events, I wished to see with my own eyes, the *moral effect* of a properly cultivated despair on this head, met in *society*, not in *seclusion*, and sought to be connected with *social feeling* towards their companions outside as well as inside, not with a premature severing of their natural ties. And certainly, no experiment could possibly succeed better, for what it really desired to attain, *the improvement of the men*. The indulgences granted them may appear excessive ; the interest cast round them by so much attention, may appear dangerous in regard to others, and calculated to dupe even

themselves ; and other objections may be offered to the details, not without plausibility when vindictive punishment, or any other principle is advocated, excepting the one of making capital executions, where they do occur, subservient *primarily* to the improvement of the men subjected to them. It is this only principle which reconciles my own mind to them at all ; and to urge and assist in carrying out which I have alone indulged in this detail.'

' Our mutineers looked for death, I believe, as certainly as human nature can look for it, while yet not actually present ; they never expressed hope, and yet they were far from being intensely miserable ; at times they were even cheerful. * * * They were taught to consider it their duty to impress serious convictions on others, as well as entertain them themselves, and they eagerly caught at this idea, and acted upon it. They became even eloquent under its influence ; and though, as time advanced, they grew very pale, under the combined action of protracted confinement and emotion, their health continued good, and the expression of their countenances most strikingly improved. No intensely wretched

men could have either looked or acted as they did throughout. They were solemnized much more than depressed. And what they became, under all their original disadvantages of education, habit, and long violence and self-indulgence, a Christian minister need not despair of making any, if he will use the same means with like earnestness ; and, to furnish him with the opportunity of doing so, will be any thing but cruelty, whether as regards time or eternity. With such opportunity also made a general rule, the abolition of the penalty of death, may well I think be postponed. With much natural sorrow for these men's fate, interested about them as I necessarily became, I am yet far from deliberately regretting that their lives were not spared. In existing circumstances, life might have been a great loss to them, and experimentally, it was no great favour before to those of them who had been previously sentenced and reprieved. Much must be first done to change the tendency of our secondary punishments, before an understanding thoroughly conversant with their details, can deeply regret the death of penitent prisoners. It is I think a hundred to one, that if these

men had been spared, and been, as of necessity, returned here, or sent to another penal settlement, they would have fallen from their recent strong impressions, and even notoriously disgraced them. In intelligence, a man may rise above his class greatly, and retain his elevation ; but scarcely in morality : “ Shall he touch pitch, and not be defiled ? ” ’

We will now transfer the reader from the shores of our own penal settlements, from the contemplation of men ripened in crime, and repenting only at the eleventh hour of a life spent in iniquity—and we will place him in the midst of an infant colony, composed of youthful offenders, who have been snatched as brands from the burning, rescued from a life of infamy, and placed in circumstances calculated to make them hereafter blessings to their country. We are delighted to find that in France the great principle of the reformation of offenders has already been recognized, and carried into operation. At present indeed it is chiefly confined to the treatment of youthful offenders ; but we trust that the abundant success which has already attended the measure, will lead to its extension, and

that it will ultimately embrace the whole body of delinquents without regard to age.

It is a new feature in the criminal law of France, that children who have been convicted of any crime, and whose parents are sunk in infamy, and already perhaps inmates of prisons, should be acquitted by the state of the crime which is charged against them, on the ground of their ignorance and want of discernment; but that they should nevertheless be retained by the state, in order that they may be subjected to a course of discipline and instruction; and they are therefore sent to the colony of Mettray, which has been established for this specific object. Mettray is in the department of Indre et Loire, contiguous to the city of Tours, and about 130 English miles south-west of Paris. It is an agricultural colony, and has adopted the designation of the Paternal Society. The following is its first statute:—

‘ 1°. D'exercer une tutelle bienveillante sur les enfants acquittés comme ayant agi sans discernement, qui lui seraient confiés par l'administration, en exécution de l'instruction ministérielle du 3 Décembre, 1832; de procurer à ces enfants, mis en état de liberté provisoire

et recueillis dans une Colonie agricole, l'éducation morale et religieuse, ainsi que l'instruction primaire élémentaire ; de leur faire apprendre un métier ; de les accoutumer aux travaux de l'agriculture, et de les placer ensuite, à la campagne, chez des artisans ou des cultivateurs ;—2°. De surveiller la conduite de ces enfants, et de les aider de son patronage pendant trois années après leur sortie de la Colonie.'

In the report of this society for the last year, we perceive that the principles which we have advocated in a preceding chapter have been entertained and carried out by the founders of Mettray. The following passage from that report shews their conviction that punishment should tend to the reformation, and not to the deterioration of criminals.

' On a compris que l'emprisonnement, dont, avant tout, le caractère est d'être pénal et de prévenir le crime par l'intimidation, doit, en même temps, autant que cela est possible, amender le coupable, et, dans tous les cas, ne pas le pervertir. Telle est la pensée qui préside aux projets de réforme que nous avons soumis aux chambres ; quand nous proposons de séparer les criminels entre eux, c'est pour

rendre la peine à la fois et plus efficace et plus morale, plus redoutée du criminel et plus contraire à la propagation du crime. Mais, parmi toutes les classes de détenus, celle à laquelle vous avez consacré Mettray appelait, avant tout, la réforme. Ces enfants, dont la plupart, selon les arrêts de la justice, ont agi sans discernement ; que les torts de leur famille ou le malheur de leur naissance ont livrés à une perversité précoce, la société doit les corriger plutôt que les punir. Ici, elle ne cherche pas à effrayer le crime, elle se propose de contenir et d'étouffer le vice. Pour atteindre ce but, elle n'emploie pas la détention comme châtiment, mais comme moyen d'amendement et de correction.'—(Cinquième Compte rendu des travaux de la Société Paternelle, p. 4.)

The children at Mettray are formed into families, are *associated together for the purpose of their reformation*, and this association has been found to operate for good and not for evil.

'La cause de notre succès à Mettray se trouve dans l'application d'une idée féconde, qui consiste à substituer l'esprit de famille à cet esprit d'association subversive, qui a fait des prisons une institution si dangereuse et en

quelque sorte un fléau social, et à demander aux influences morales ce qu'à une autre époque on prétendait obtenir des verroux, des châtimens et de la terreur.'—(Ibid.)

Of this social principle as connected with reformation, we shall have occasion to speak in the next chapter. We now only request the reader to bear in mind its salutary operation in the case of the youthful delinquents at Mettray. If the love of imitation preponderates at one age more than another, it is surely during childhood, and common observation may suffice to prove to us that for good or for evil, children have a very powerful influence over each other. If this influence can be gained over to the side of their reformation, how great will be the advantage secured. In the details of management at Mettray, we find that the children had acquired considerable influence on each other's conduct; they were mutually under restraint; and, from a sense of honor, they were not unfrequently punished among themselves, for offences which seemed to reflect disgrace on the little community. We read of one who was deprived by his fellows of a book which had formerly been given him as a reward of

merit, because he had committed some offence for which they would punish him. And public opinion in this little world seems to form a self-imposed check to evil conduct, as well as an encouragement to good behaviour. In the report for the year 1841, an anecdote is related which may serve as an illustration of this remark. The abbé Fissiaux, during his visit to the colony, enquired of the children if they could name to him the *three best* among them. All, without exception, immediately fixed their eyes on three young colonists, who were universally admitted to be the best behaved. He then put a further test to them, enquiring of them to name to him '*le plus mauvais sujet,*' but this time no one ventured to reply, all remained motionless. At length, one advanced with timidity, and said in a low voice, '*c'est vrai; c'est moi.*' The worthy abbé embraced him; saying, 'my boy, I think you are mistaken, I cannot believe your words.' From that time the boy conducted himself well, though he had certainly borne hitherto a very bad character.

The reformation effected in the colony

among children thoroughly depraved, is remarkable. All education has been directed to the formation of their morals; agriculture has been taught, not for its own sake merely, but as being favourable to the inculcation of virtuous habits. Religious instruction, and the elements of learning have been communicated to them; and the children, on leaving the colony, have, with only *four* exceptions, turned out well: they have been placed with masters, according to the respective trades they have learned; and it is a remarkable fact, that Mettray youths are sought out, as being more desirable than others. This valuable institution is supported by voluntary contributions, and the king himself is its acknowledged head. The children thus rescued from infamy, would otherwise have been consigned to the ruinous operation of prisons, where they would have been made adepts in crime, and from which they would have emerged, only to plunge with greater eagerness into vice, to become the pests of society, and to reap the bitter fruits of a life spent in wickedness. How glorious then the effort to avert such calamities! Is it not the highest wisdom of a state, and especially of a

paternal government, to begin with the reformation and instruction of the young ; and thus by wise precautions, to *prevent*, and therefore to avoid the necessity of *punishing* crime ?

CHAPTER VI.

ON CAPTAIN MACONOCHIE'S PROPOSED SYSTEM OF CONVICT MANAGEMENT.

IN the preceding chapters, our object has been to awaken attention to the important subject of criminal legislation ;—to point out the errors which exist in our present system of penal treatment ;—to explain the obligations which Christianity imposes, for the practice even of benevolence in the punishment of criminals ;—to prove the practicability of combining individual reformation with the public good ;—to demonstrate the superiority of moral power to physical coercion in the management of men ;—to shew that the human mind, though long exposed to a hardening process, is still accessible, *and even on that account*, to the demonstrations of kindness ;—and to afford convincing proof

that the grand question of moral reformation, in the case of convicts, is not a visionary speculation, by adducing the most undeniable evidence that such result has actually been attained, whenever it has been *fairly* attempted, and full scope has been allowed for the operation of those means which alone can ensure success.

In proving these points, however, we feel that we have accomplished only *half* the work which has devolved upon us. Should we even have succeeded in convincing every bigoted vindicator of coercion, that his principles are unjust, and practically inexpedient; we should still feel that we had but imperfectly fulfilled the task which an earnest desire to benefit an injured class of our fellow-subjects, has induced us to undertake. To expose an evil is one thing: to point out its remedy is another. It is easy to find fault, and many will attempt this who are very incompetent to rectify what they disapprove. The far more difficult task is to suggest improvement, or, where revision is impossible, to produce a more perfect whole. But in the new creation, those only are competent to engage, who have some practical knowledge of the evils to be avoided, and

who have already submitted to the test of experiment the principles on which they propose that the improved substitute should be contrived.

In applying these observations to the great question of penal legislation, we would remark, in the first place, that revisal, in this case, must be found impossible ; and secondly, that a totally new system, founded on new principles, is now actually laid before the public ; and this system it is the object of the present chapter to exhibit to the reader, in the full conviction that it is calculated to *avoid the evils* which we have deprecated, and to *confer the good* which we have estimated as of incalculable value. The work of renovation demands the agency of a practical man ; and in Captain Maconochie we have one who, during eight years' residence in our penal settlements, directed his earnest attention both to the *need* of reform, and to the *means* by which it might be best accomplished. And the system which he was thus led to construct, bears indications of a mind enlightened by the soundest philosophy, and prompted by the purest benevolence. In his command at Norfolk Island, he attempted, as far as he

could, without infringing on existing regulations, to govern his men on the principles which he had conscientiously espoused. But it was not in his power to make full trial of his plan ; for, all the evils to which we have before adverted, were still in operation there, and it is obvious that the principle of governing by moral power could never be fairly tried, while physical coercion was still the only authorized system of discipline and restraint. The utmost therefore that could be attempted in this case was to mitigate evil, and to employ arbitrary or discretionary power, not in the infliction of unmerited suffering, but in the exercise of humanity and moderation.

It is much to be regretted that in the early disclosure of his plan, Capt. Maconochie was unable to secure the co-operation of the executive government of this country. So far back as the year 1838, his proposals were submitted to the British legislature, and a committee of the House of Commons, convened in consequence of the representations of the Archbishop of Dublin, pronounced very favorably upon the most important principles of Capt. Maconochie's system. The

following is an extract from their report of August 1838. 'The mode of governing them (the convicts) lately suggested by Capt. Maconochie, might in part at least be attempted with advantage. Your Committee are not prepared to recommend the adoption of that part of his plan which relates to the division of convicts into small parties, responsible for each other's conduct, (though even against this they would not be understood to pronounce an absolute and unqualified condemnation,) but they are decidedly of opinion that it would be advisable to ascertain, by experiment, the effect of establishing a system of reward and punishment not founded merely upon the prospect of immediate pain or immediate gratification, but relying mainly upon the effect to be produced by the hope of obtaining or the fear of losing future and distant advantages. At present, order and discipline are maintained, and labour is enforced amongst the convicts, whether in the hulks at home, or in the penal gangs and penal settlements abroad, almost exclusively by the dread of summary corporal punishment, or of the loss of immediate animal indulgences, by the withholding from the convict who miscon-

ducts himself, some part of the food or tobacco which he would otherwise be permitted to enjoy. In the earlier part of this Report it has been shewn to what a frightful degree of severity it has been found necessary to resort, in order to render this system of coercion effectual in the penal settlements ; and it is obvious that in all cases its tendency must be to strengthen and confirm the habit of acting under the influence of a desire for gratifications, or a dread of sufferings, which are immediate and physical. Now it is precisely this habit, and that of disregarding the distant consequences of their actions, which chiefly lead men into the commission of crimes ; the great object, therefore, of a good system for the government of convicts should be that of teaching them to look forward to the future and remote effects of their own conduct, and to be guided in their actions by their reason, instead of merely by their animal instincts and desires. With this view it is suggested that the performance of penal labour by convicts should be stimulated not by the fear of the lash in case of idleness, or by any pecuniary allowance which may be expended in the purchase of tobacco or other

luxuries, but by *opening an account with each man*, giving him credit for every day's labour, to be estimated by a greater or a smaller number of *marks*, according as he had been more or less industrious, with an *assurance* that as soon as he should have earned a certain number of marks, he should be recommended for the remission of the remainder of his sentence. As marks would be obtained by industry and obedience, so they should be forfeited by idleness, insubordination, or any infringement of established rules. Instead of the summary infliction of the lash, or the loss of indulgences in food or otherwise, convicts should incur by offences of this description, the forfeiture of a number of marks, proportioned to the gravity of the case, according to a scale to be framed for the purpose ; nor should corporal punishment be resorted to, except for the purpose of repressing open resistance to authority. The whole number of marks each convict should be required to earn in order to obtain his pardon, should be so fixed, with reference to the number to be allowed for a good day's labour, as to enable him, by industry and good conduct, to obtain

his pardon at the expiration of about half the period for which he had been sentenced.'

Having premised that the development of a new system requires much practical knowledge and experience, we feel that we have anticipated the necessity of apologizing to the reader for the subsequent introduction of other language than our own, and for the employment of the knowledge of another, when our own resources fail us. Captain Maconochie, as the founder of a system, must be allowed to speak for himself; and when the details of that system are to be delineated, no pen but his own can do them justice. The Appendix to the present volume contains those details,—it has been laid at our service,—and the reader will there find that certain principles have been carried out, and their practical efficiency demonstrated. It may be desirable however to point out what seem the most important principles of Captain Maconochie's system, and in what respects it is peculiarly deserving of trial. Having done this, we shall leave the reader to form his own judgment of the excellence of that system, and of the urgent necessity which

exists for the adoption of the principles which it inculcates.

Captain Maconochie's system is in the First place, essentially *reformatory*.

The infliction of severe and unjust punishment for the sake of deterring others, is utterly excluded here. Punishment may be made as formidable as possible up to a certain point, and that point is the weakening of the offender. By the crime which he has committed, he has shewn symptoms of weakness and he must therefore be taken into hospital, and subjected to a strengthening process. As a punishment for the past, he may endure any amount of suffering which does not tend to injure him; but the moment deterioration begins, the punishment must be removed. In this way, a man may, during the first few months of treatment, be punished by solitary confinement, receiving nevertheless every possible aid to the right improvement of his time in penitence for the past, and in the formation of principles for future guidance. But the moment that confinement begins to produce mental weakness, he must be released, and other methods must be taken with him, all tending to the great object of his reformation.

The next point to be noticed in Captain Maconochie's system is that it is *social*.

The prisoners are to be *associated together for the purpose of reform*. The esprit de corps which distinguishes men in society is thus to be enlisted on the side of reform. With a uniform purpose of effecting reformation, the advantages to be derived from the social principle ought not to be neglected. For good or for evil, the association of men to act in unison, is a most powerful agent ; and even the associating together of *bad* men, may be over-ruled for good, when a system of watchful discipline is established, when motives for virtuous action are exhibited, and when an honest emulation is excited among the men, leading them to vie with each other in moral attainment. We have seen that this social principle had remarkable success in the instances which we have before adduced in favor of moral treatment. Its operation is manifest among the men on board the '*Earl Grey*,' among the mutineers in Norfolk Island, and also among the youthful colonists of Mettray. Captain Maconochie's plan not only proposes the associating together of prisoners, but it sug-

gests the employment among them of those motives which actuate men in social life. And the reason assigned for this is, that they may be prepared for society in society, or in other words be made familiar with the usual incentives to action, so that when they return to society they may have acquired those habits which are necessary to enable them to discharge aright the relative duties of life. Among the class of men who usually run within the penalty of the law, improvidence and self-indulgence will often be found to have been the original cause of all their misfortunes. To encourage such men in the formation of industrious and economical habits, will therefore be a part of the system of tuition which their reformation demands. It is obvious that in order to furnish a stimulus to industry and economy, analogous to that which exists in social life, a pecuniary motive must be furnished to the convict, and this leads us to the next point deserving attention in Captain Maconochie's plan, which is that,

He proposes to employ a *system of marks*, in the shape of wages, payable to each prisoner from day to day—to be forfeited by

misconduct—and a fixed accumulation of these marks to constitute a right to freedom.

By such a measure we conceive that most important ends may be accomplished. The creation of a motive to industry and good behaviour would be no small boon to convicts who at present have no more interest in their work than the veriest slaves, and who have so many discouragements to virtuous action. The labour performed by them would by this means also be more productive ; for it is manifest that the convicts would have a sufficient inducement to work well, and thus government would eventually be the gainers, considering the question only as an economical one. The certainty of procuring liberation when the adequate number of marks had been earned, would be an important advantage, both as respects the convict himself, and the community at large. As regards himself, it would do away with the evils of a time-sentence. His conduct, from the moment he landed in the colony, would thus have a direct bearing either for or against the acquisition of freedom. At present, the convict's main concern is to while away the time with as much sensual indulgence as will not actually

bring him under fresh punishment, and to do as little work, and that as badly, as he can. Time-sentences must affect men differently in proportion to their age, to the family ties which they have formed, and the prospects which lie before them on their return to freedom. But the inequality of punishment thus occasioned by a time-sentence, would be, in a great measure, avoided by offering to every man equally the chance of earning his liberty by a certain number of certificates of labour and good conduct. Again: the good resulting to the community at large would be no unimportant feature in such a system. For, while the accumulation of marks would ensure a man his liberty, the forfeiture of marks would also ensure his retention until such time as he should be able to give the necessary testimonials of good behaviour. In this way, society would be protected from the return of such criminals as were likely to be obnoxious to it, and a guarantee would also be afforded that those who *had been* restored to freedom, were improved characters, were men who might be received without suspicion and distrust, and who had acquired habits of self-denial and industry, which

were calculated to make them even valuable members of the community. In confirmation of the preceding remarks, we gladly avail ourselves of the following observations by Archbishop Whateley, who has in some respects anticipated the principle of *marks* which Capt. Maconochie has reduced to practice.

‘ The plan which, as far as I am competent to judge, seems to me, on the whole to promise the most favourably is . . . that of requiring of such criminals as are sentenced to hard labour, *a certain amount of work*; compelling them indeed to a certain moderate quantity of daily labour, but permitting them to exceed this as much as they please; and *thus to shorten the term* of their imprisonment, by accomplishing the total amount of their task in a less time than that to which they had been sentenced. . . . It seems to me perfectly reasonable, that those whose misconduct compels us to send them to a house of correction, should not be again let loose on society, *till* they shall have given some indication of amended character. Instead of being sentenced, therefore, to confinement for a certain fixed time, they should be sentenced to earn, at a certain specified employ-

ment, such a sum of money as may be judged sufficient to preserve them, on their release, from the pressure of immediate distress : and orderly, decent, submissive behaviour during the time of their being thus employed, should be enforced, under the penalty (besides others, if found necessary) of a proportionate deduction from their wages, and consequent prolongation of their confinement.' (See Archbishop Whateley on Secondary Punishments, pp. 36, 37.)

' The great advantage resulting would be, that criminals, whose habits probably had previously been idle, would thus be habituated not only to labour, but to form some *agreeable association* with the idea of labour. Every step a man took in the tread-wheel, he would be walking out of prison ; every stroke of the spade would be cutting a passage for restoration to society.' (See Archbishop Whateley on Secondary Punishments. Appendix No. 1., pp. 100, 101. Transportation.)

In conclusion, we would notice of Captain Maconochie's system that it does to a remarkable extent *combine the reformation of individuals with the public good*, and this, as we have before shewn, is the noblest end to

which penal legislation can aspire. In this view, therefore, the sentence of transportation would in many cases be converted into a blessing ; there would no longer be a feeling of compunction in the mind of the judge, when he pronounces that sentence ; for, to condemn to banishment would in this case be synonymous with the removal of the prisoner to a school of wholesome discipline, where he would obtain such instruction and moral training as he might not otherwise receive in ordinary life. The advantages, however, of which we speak, are not of such a nature as to possess any value in the view of the evil-minded, so as to hold out a premium to them. On the contrary, nothing would be more likely to daunt the spirit of a bad man, than to know that he must be habitually submissive, industrious, and well-behaved, or he shall never be restored to freedom. The necessity of reformation, in order to procure release, would be far more odious to him, than the present system ; for, by it, he tries to be as bad as he can, without actually committing himself, and thus he cherishes iniquity in his heart, and indulges in it to the utmost. By Captain Maconochie's system,

on the contrary, such a disposition would uniformly be kept under ; the indefinite prolongation of punishment would gradually break the most obdurate spirit ; good habits would in this way be forced, as it were, on men to whom they were naturally most distasteful ; and many would be deterred from incurring a penalty which would exact moral reformation, who are not now deterred by the knowledge that it is likely to accomplish their entire initiation in crime. The sentence of transportation would thus become, what it has never yet been, “ *a terror to evil-doers ;* ” whilst its direct tendency would be to reclaim the vicious, and to furnish the well-disposed with every possible encouragement to the practice of virtue.

2

APPENDIX,

CONSISTING OF EXTRACTS FROM AN UNPUBLISHED
PAMPHLET "ON THE MANAGEMENT OF
TRANSPORTED CRIMINALS,"

BY CAPTAIN MACONOCHIE, R.N. K.H.,

LATE SUPERINTENDENT AT NORFOLK ISLAND.

THE object to be sought in transportation for the future is the *revisal*, or it may be rather said the *reversal*, of the *principle* of its machinery, —the substitution, on a comprehensive scale, of persuasive motive for direct coercion in it, reserving the latter for extreme cases, should any such occur after other means have been tried, which may reasonably be doubted. With the alteration thus made in it, this punishment, from being, as now, the worst, would speedily become the best secondary infliction at our command. It would more certainly wean convicted offenders from their

vicious habits—more powerfully deter the hesitating from committing crime,—and prove in the end also, as I think, more economical than any other punishment that has yet been devised. The originally worst purposed men, when placed in a painful situation from which only steady exertion and self-command could rescue them, with the strongest and highest motives to *please*, instead of low and deteriorating motives merely to avoid offending, would be unable to resist the infectious example of a whole community steadily pursuing the same object on the same principles :—and, trained thus to good habits by impulses proceeding from within themselves and the class to which they belong, these habits would much more certainly become in time natural to them than any created through mere restraint. Again, the example of their submission, and the recognized necessity for all similarly submitting before they can hope to recover their liberty when once forfeited, would be far more deterring to others than the example of vague suffering ;—for the pride of evil-minded men would recoil from the one picture, and it is only challenged by the other.

I propose that a form of *wages* (marks) be

introduced into all our Penal Establishments, whether settlements apart from free communities, or working parties in them ;—that an accumulation of these, proportioned to each man's crime or sentence, and over and above all lost by expense or misconduct, be the only terms on which he can procure his discharge ;—that he earn a fair proportion of them from day to day, according to his exertions, but be charged in them, at the same time, for every supply furnished him, whether of food or clothing ;—that if he is idle the cost of his maintenance shall thus go against his liberty ;—that if he is ill-conducted he shall in like manner be fined in proportionate amounts of progress already made towards it ; and that thus, by no means possible, except by sustained exertion and good conduct combined, will he ever obtain his liberation. This is the general plan, apart from details. It seems to me to overcome all the difficulties of the subject. It converts our Penal Establishments into schools of adversity, in which the law is imposed, and self-command required, in other words the *physical punishment* may be made whatever is thought proper. Be it what it may, it will be far more actually enforced than is at present

practicable. Men will do, for liberty, what they will not do for lashes ; and on the plan proposed, the proof of performance will also lie with the prisoner, whereas at present the proof of non-performance lies with Government, and is always most defective in the case of the worst men, the deepest schemers, the most accomplished hypocrites. On the other hand, the same motives being applied to men under punishment which support character in free society, and under the touch of adversity there also improve it, the effect of these motives in prison will in every case correspond. The character of punishment will not be lost, the warning to others (as in the case of adversity through imprudence in ordinary life) will equally be maintained. But both will conduct to virtue, instead of as now, to vice, and will thus be worthy of the science, as well as benevolence of the country which shall accommodate her Penal Establishments to this noble end.

The physical condition of transports would not be thus improved ;—and, on the contrary, as more work would be obtained from them, more diligence be required, with more good faith, self-command, and every other quality to which the taste and habits of the criminally

disposed are repugnant, and to escape from the exercise of which they for the most part resort to crime, the punishment to them, in so far as punishment may be considered to consist in a forced abstinence from habitual indulgences, would be even more severe in this form than the present one, and by so much would be also more dreaded ;—and the field of evasion and imposture being also narrowed, the hope of indulging in which is always grateful to the habitually deceitful, this would further make the condition more distasteful to them, both when actually present and contemplated.

The most injurious circumstances in the present management of our penal establishments are the following :—

Sentences to them are measured chiefly by time, with little reference to conduct during that time. The object proposed is thus to give certainty and equality to the punishments inflicted ; but it fails even in this ; and the inequalities that it leaves, or creates, press most heavily on the best and most promising men. The young, single, reckless, profligate, care little about time ; while the middle-aged, married, provident, those who though they have once fallen are anxious to recover them-

selves, feel its loss severely. And further, the chief thought, even with the best men under a time sentence, is how to pass it most easily. Evasion of labour and hardship becomes thus an instinctive principle with them ; and deception to any extent, in obedience to this principle, grows rapidly familiar.

This effect is further aided by the labour imposed being in all cases compulsory, in the due performance of which no one has any interest beyond that of doing, or appearing to do, enough to avoid punishment. The school of deception thus altogether formed, with its necessary fruits, almost exceeds belief. In extreme cases even self-mutilation is resorted to in order to avoid labour ; and in all covert idleness, skulking, pretended sickness, making the most of petty ailments, and the slovenly and imperfect execution of work even when it is professed to be performed, are prevalent, to the destruction of habits of industry even where previously possessed.

The allowance of a fixed ration of food and clothing, irrespective of labour or exertion to merit them, is another unfavourable circumstance of the same kind. It takes away from the men all care about their own maintenance, and encourages habits, otherwise from the

first too prevalent among them, of recklessness and improvidence. If by some means or other all supplies issued to them could be charged against their exertions before these were allowed to count towards their liberation, above a half of all the deception now prevalent in penal establishments would be at once swept away; and the men would be themselves benefited, for they would be taught precisely what they most want—habits of exertion, prudence, and fair dealing.

The entirely dependent state in which prisoners are kept, in all other respects except these of food and clothing, is another grievous obstacle to their moral reform; and it is even somewhat singular that both in what is given, and what is refused, the extreme of injurious operation is thus produced. The sentences being for time, no abatement or mitigation of their first severities can be claimed *of right* till that time expires. But certain periods are fixed when such abatement, or in other words the indulgence corresponding to past service, may be *asked for*. And undoubtedly, in most cases when there has been no flagrant offence it is granted; but it may be refused almost at will; and when obtained it may be also taken away at

will. The men are thus unable to rest with any confidence on their own exertions, and are much too dependant on the favour of their officers—the consequence being injurious to both parties. It makes the one fawning, hypocritical, eye-servants, with little regard to abstract principle and desirous rather to seem good than to be so; and it leads the others in too many cases to set obedience, respect, submission, the slavish virtues, above the moral ones, careless, and in many cases even unsuspecting, of the vast infusion of slavish vices inseparable from them.

The deep degradation to which both sexes are reduced is the next unhappy circumstance in their present condition, operating strongly against their moral welfare. It appears in many forms, of which each is more injurious than another :—1. The most substantial interests of those who are thus debased are too often overlooked; and even in the administration of justice in regard to them a culpable negligence and severity speedily creep in. (But for this, it would have been impossible that they should have been kept so long as they have in their existing position.)—2. Their natural feelings are also not regarded, and they are subjected to much harsh and

contumelious language from which they ought to be protected.—3. Divorced from the consideration and respect of the better classes among whom they live, and suffering frequently from their injustice and expressed contumely, they speedily acquire a hatred towards them, which if not active in many is passive in all, and prepares them for misconduct whenever proposed to them.—4. With degradation in the eyes of those above them, speedily comes the loss of self-respect in their own ; surrender is then made without restraint to whatever temptation offers ; and on the slightest occasion the most aggravated wickedness is frequently exhibited, even by those not previously ill-conducted.—5. With self-respect gone even the desire of recovery speedily abates, and a spirit of reckless extravagance, half mirth, half despair, takes its place—which is peculiarly observable in young prisoners who have once yielded to the temptations extended to them.—6. With self-respect gone, self-reliance, within due measure a support to good resolution, also soon goes.—7. When despair is felt of obtaining the approbation of the good, recourse is almost inevitably had to the applause of the bad as a substitute : and hence the peculiar tyranny

of the public opinion of their own class among prisoners, influencing even their language—‘ a good man ’ meaning among them one who will not divulge offence—a ‘ rogue ’ one who will. Some of the rougher and hardier virtues are no doubt thus nourished among them, as fidelity, fortitude, self-sacrifice (often on very slight occasion); but they are always directed against law and government; and the peculiarity is thus a very troublesome feature in these men’s character, proceeding directly from their being so much thrust out as a class, beneath and apart.

It is easily intelligible how much these various effects of the present position of prisoners are aggravated by working them on this footing in the presence of a free community; and this accordingly is the next unfavorable circumstance in their existing condition. Amidst free interests, theirs are still more likely to be disregarded by those placed over them;—amidst free jarrings, their feelings are likely to be still more frequently wounded;—the contrast between their position and that of free men comes more frequently and *searingly* home to them;—their recklessness becomes thus more wanton;—and the temptations to its indulgence are

indefinitely multiplied. On the other hand, their presence in bondage operates injuriously on the free minds around them. The two classes mutually corrupt each other. The worst samples of both give a tone to the estimation in which they are severally held : and the tendency of the whole is downward. Even the vicissitudes in the labour market of a free community operate disadvantageously on the reform of prisoners working in it. At one time wages are too high, at another employment is not to be obtained. Few men would be prisoners had they not been originally weak and idle ;—and it is a great misfortune if, while yet under training, and before their principles are confirmed, the motives to steadiness and industry presented to them are themselves unsteady. Occasions thus occur, in which, while yet weak, they think themselves justified in leaving the path of regular exertion for self-indulgence or depredation.

The disadvantage of working prisoners in the midst of a free society is further aggravated by that which is a portion of the same plan, *viz.*—their discharge progressively, with growing privileges, but always under some disabilities, into the same society, with a view to being absorbed by it. The inconveniences

flowing from this are endless. The men thus discharged constitute always a Helot class in the community receiving them. They can never get away from their early history and associates. They never inspire full confidence:—in too many cases they cease accordingly to aspire to more of this than suits their selfish purposes:—and when it is thus far attained they generally abuse it. The injury inflicted on the character of the free by their original presence as prisoners is thus aggravated by the results of their nearer approach to equality with them. When confidence in business is wanting on either side, it is too soon thought fair to take advantages on either side. ‘Diamond cut diamond’ becomes thus a rule:—and the best original intentions fall a prey to the worst. The firmest mind could scarcely support itself in such a position:—and prisoners have been manifestly proved once infirm.

All the preceding disadvantages then being accumulated in our present Convict arrangements, the effects correspond, and need scarcely be detailed. The weak become wicked, the hypocritical more deeply deceptive, the sturdy fierce, the fierce ferocious. A few individual exceptions of course occur, in some

cases under the influence of strong religious impressions, in others through the early acquisition of property, bringing within the sphere of the moralities necessary to make the most of it. Yet I fear that even of these the number is under late regulations getting rapidly smaller; and undoubtedly circumstances are now less favourable than they once were to their multiplication.

It is impossible to doubt the anxious wish of Her Majesty's Government within the last six years to promote the reform of prisoners in the Australian Colonies:—it has been proved in many ways:—and yet I hope that a practical man may be permitted, speaking after the event, to say without offence, that the measures taken for the purpose have been far from expedient. If any thing was clearer than another on the face of the evidence taken by the Transportation Committee of the House of Commons in 1837-8, it was that assignment, however in principle objectionable, was the least injurious portion of the entire Convict System then in operation:—yet it was the first abolished. It was not less evident that the system in the Penal Settlements and Road-gangs was the most injurious:—yet it was retained, and made of universal application,

It was shown that in old times few Clergymen had been employed, and little attention paid to religious instruction :—and though many Clergyman have been since in consequence sent, little attempt has been simultaneously made to clear the way before them. “The voice has not been heard crying in the wilderness, *Prepare ye the way of the Lord, make his paths straight !*”

Few can know the feelings generated in our Penal Settlements as I know them : few have had the same opportunity ; and none has studied them so patiently, so unweariedly, with the sole object of ascertaining the operation of the circumstances combined in them, on the minds of those subjected to them. And in no figure of speech, but as the deliberate result of all this study, I say, that apart from individual cases in which divine Grace may triumph over every difficulty, (and I think that I know one such, but am not certain even of it), religious instruction is, in my opinion, in existing circumstances at least useless in them.

Two circumstances appear to me especially to cause this :—1. So little Christian consideration is exhibited in the discipline maintained in these establishments that it is im-

possible for the men to think that even their teachers, who acquiesce in this, or the officers who enforce it, believe their own precepts; and the more enlightened their minds become, the more strongly are they struck with this;—already they frequently express it.—2. They live in such an atmosphere of sin, that to enlighten their consciences is really to harden rather than awaken them. They cannot in existing circumstances get away from their life. They thus deliberately continue it, convicted of sin in their own minds, yet acquiescing in it as a thing of course; and this position is worse than ignorance, as respects the chance of ultimate recovery—it wears out conscience and belief together. It is a striking fact, bearing on this view, that even the deepest immoralities do not, to a very great extent, appear to injure character, *unless known to be such*. Thus concubinage, theft, infanticide, have all been found in savage nations allied with noble qualities. The very least of these, on the contrary, in a Christian community, if indulged in knowingly and reflectingly after conviction of its sinfulness is awakened, works a wider ruin. The injury done to the conscience seems thus to constitute the injury done to the man; and may it

not be said, then, however apparently paradoxical, that to impart religious instruction to prisoners, without otherwise improving their moral condition, (individual cases apart), is to injure rather than serve them ?

That discharged prisoners are now less likely to acquire and retain property, and thus get within the supporting influence of its administration, is partly evident from the altered condition of the Australian Colonies, no one having now the same prospects in them that existed some years back. But besides this, the friends made formerly in and through assignment are now wanting ; and in the proportion that Government labour is not made agricultural, or otherwise productive, the experience formerly acquired is also wanting. And apart from these circumstances, another now exists, a matter of mere regulation, but most disadvantageous. Three grades of labour-passes have been established, enabling men, having served their time under Government, to seek private employment ; in the lowest of which they are only allowed to receive half their wages, and in the next two-thirds, the balance in both cases being required to be paid by the masters into a Government Savings' Bank, to be there kept for the

men's benefit against they acquire a higher position. The masters dislike this arrangement, which is often troublesome and inconvenient; they are thus reluctant to employ men in these stages; and besides the additional difficulty caused by this in their finding work, they are otherwise directly injured by it. Instead of being made economical, they are thus in truth made profligate. On arriving at their higher grade they are placed in the position of sailors coming ashore after a long voyage, with an arrear of wages in their pockets. Their economy not having been voluntary, they too often fly with its fruits to debauchery, instead of continued exertion. They would be positively richer if, instead of thus receiving £5, they were compelled to pay the same sum out of their own voluntary savings, as the purchase of each step towards their freedom. The regulation, with the best intentions, is practically about the most injurious that could be devised. It is founded on a mistake which has otherwise caused wide mischief in Penal legislation—the belief that moral virtue can be taught by prolonged physical disability.

This, then, is a picture in detail of the

effects of our existing system of transportation ; and it appears to me impossible to doubt the accuracy of the representation, for the results stated will on reflection, be seen to flow necessarily from the premises laid down. The whole is a remarkable illustration of the injury that may be done with the best intentions, and even high intelligence, *if they are directed on a wrong principle*. The object pursued has here been to make transportation a *vindictive and exemplary*, not a *reformatory* punishment. In originally framing and subsequently improving its machinery, accordingly, ingenuity has been directed to give efficiency to its *coercive* apparatus :—and the object of creating a *moral* apparatus at the same time has not been distinctly contemplated. It is on the reverse of this principle, however, that we must now proceed, not in justice merely but even in obvious necessity. We cannot now give coercive discipline its full scope. The atrocities which have disgraced our penal establishments could not now be repeated. If we do not succeed, therefore, in giving our transports a good spirit, we are comparatively helpless in restraining that which may be bad in them ; and if we halt between two systems

we shall have the weakness of both, and the efficient operation of neither.

We should begin by forming a right conception of the proper sphere and object of transportation. At least it is an important branch of emigration, though even thus its place is made too low in estimating the duties connected with it. Men subjected to it are seed eventually to be sown, not chaff to be burnt, or scare-crows to be hung up. To remove the taint of previous disease in them, and at the same time give a warning to others, they should be subjected (as seed) to a rough preliminary purification : but (as seed again) this should be sedulously directed to improve, and not impair, their original capabilities.

Their interests as immortal and responsible beings should be thus also carefully kept in view, and respected. "What shall a man take in exchange for his soul?"—And if nothing could be a fair equivalent to an individual for such a sacrifice, can society have a right to impose such a penalty on his delinquencies, or exact such fearful usance on any forfeiture of his obligations to it?

A just limit will be thus fixed to the claim advanced by society to protect itself by making the due and striking punishment of its cri-

minals a warning to others. Where sin has been once habitually indulged in, and crime at length committed, proper repentance and reformation can only be secured, as a rule, by suitable suffering and adversity:—but there is a “sorrow that killeth, and another that maketh alive:”—and the statesman, who on a full representation of the facts, claims a right to be even indifferent, which he concurs in inflicting, may be considered in a worse position than his victim. Weighed even in human scales his offence is the greater.

The FIRST object then, in transportation, as in every other secondary punishment, should be the REFORM OF THE MEN SUBJECTED TO IT. With this tangible object kept steadily in view, we need not be very solicitous about the machinery that we first employ. The best will speedily be discovered. And with success in attaining this object, we may be assured that we shall speedily compass also every other desirable one. “SEEK FIRST THE KINGDOM OF GOD AND HIS RIGHTEOUSNESS, AND ALL THESE THINGS WILL BE ADDED UNTO YOU.” The example of severe suffering has never been found effective in repressing offence: and on the contrary, it has passed into a proverb that ‘Crime thrives

on severe pénalties.' Let us try then in this sphere the "law of kindness"—the maxim "overcome evil with good;"—yet not blind kindness, mawkish good, but both regulated by judgment and intelligence. Setting out on this principle we shall find the effects as much exceed our calculations in one way, as those of existing transportation have outrun the intentions of its framers in another. In the conduct of human affairs we can guide their direction;—but the precise extent to which in this direction they may be borne, is subject to laws of which our will is but one element.

The following are the leading points of apparatus which, with much practical experience on the subject, I earnestly recommend to attention. But I repeat, it is to the principle that I am really attached.

Transported criminals should come under two sentences, *banishment* for a given time, according to the offence, from the country where it has been committed—with *hard labour in a penal settlement until discharged under its regulations*. The two clauses should have no necessary connection with each other. The termination of the sentence of banishment should not necessarily discharge from the penal settlement—nor *vice versa*. The

expatriation should be considered as imposed to protect the society that has been injured from the early return of one who has shewn himself weak amidst the temptations incident to it: but the discipline of the penal settlement should be maintained until weakness is converted into strength before it is allowed to go anywhere. A patient convicted of moral disease, and received as such into hospital, should be there retained, not for a given term, but until cured:—and from my intimate knowledge of prisoners, I feel assured that nothing would so much subdue both themselves and the profligate companions whom they leave behind—nothing in a word would prove more effective as example—than such a regulation.

Male and female transports should be sent to the same station, but the utmost care should be taken to prevent improper intercourse between them.

No free community should be allowed where prisoners are kept, excepting what is composed of the officers placed over them, with these officers' families, and their own, as afterwards to be explained. In every other respect, the closest possible resemblance should be given, in arranging the form of

society, to the type of free life. It is as a preparation for return to this that the whole plan is organized.

The management of penal settlements should accordingly be as follows :—1. A fictitious debt of 6000, 8000, or 10,000 marks should be created against every man, according to his offence, which he should redeem by labour and other good conduct, having a proportion placed to his credit daily as wages, according to his behaviour, and suffering a loss by fine if he offends.—2. No ration should be allowed him of right, except bread and water; for everything else, following up the analogy thus created between marks and money, he should be charged in them.—3. He should be allowed however thus to expend his marks for present indulgences to what extent he pleases, but never to obtain his discharge, till from his labour and economy combined (both voluntary) he shall fully redeem his debt.—4. On first arriving at a penal settlement, for a period not under three months, but beyond that depending entirely on his own regularity and proficiency, and the acquisition of marks exhibiting them, his treatment should consist of moral, religious, and other intellectual instruction in a penitentiary. (The great

object in this is to wean from vicious recollections, cast the views forward, penetrate with a sense of benevolent purpose in all the other regulations, and, by enlarging the intelligence, increase the power of deliberate reason over blind impulse. I speak from experience in attaching great importance to it, and the voyage out should be also made systematically subservient to it).—5. After this, he should, for a time not under eighteen months, but this period also depending on the acquisition of marks, serve in a mutually responsible party, labouring for government, and disqualified for any situation of trust, authority, or indulgence under it, or for any private service. (The object of this, apart from the punishment it will inflict, is to create a common interest in a whole party, and in all parties, to behave well,—thus to produce an *esprit de corps* towards good in all—to subdue selfish feeling—to assist the weak by giving them the aid of the strong,—and to fetter the ill-disposed by combining the interests of the better men with theirs. Experimentally, I also attach much importance to it.)—6. After this he should hold for not less than fifteen months (making three years in all), and beyond this till he has fully

redeemed his marks and earned his entire discharge, a ticket of leave in the settlement.—

7. In this last stage, every reasonable facility should be afforded him to accumulate a little money against his return to society. For this purpose, small farms or gardens should be let to men holding this indulgence, at moderate rents in kind : any stock or edible produce they may rear on these, beyond their rents, should be purchased at fair prices into the public stores : and a fixed proportion of them (3, 4, or 5 per cent. of the entire number of prisoners in the settlement) should further be eligible, as selected by their superintendent, to fill subordinate stations of trust, and receive (say) sixpence per day as money salary besides the marks attached to their situations. (The objects here contemplated are various and of great importance, both moral and economical. Immediate good conduct in the men will be thus much encouraged, for both those who hold, and those who aspire to such facilities, will be influenced by them : the chance of all on discharge will be proportionally improved : and the good feeling inspired will supply the place of otherwise indispensably numerous and expensive assistants. Under a *coercive* system, the em-

ployment of prisoners as inferior officers is most objectionable, under a *persuasive* one they are by far the most efficient).—8. On discharge, every reasonable assistance should be given to the men to disperse; and their final liberation, as well as every intermediate step towards it, should in every case depend solely on having served the *minimum* time, and accumulated the corresponding number of marks. No discretion on either head should be vested in any local authority. The word *pardon* should not even appear: the whole arrangement should be as it were matter of contract: and the province of the local authorities should be merely to see its conditions fulfilled on both sides.

The punishment in this scheme would consist in the deportation,—the loss of at least three years of life during which the exertions made will contribute only to the recovery of liberty—necessary abstinence during these from all indulgences most consonant to the tastes and habits of the weak and criminal—the punctual discharge on the contrary of duties the most alien to them—and all this as it were voluntary, without any scope being allowed for sullenness, obstinacy, recusancy in any form, which, if indulged in, would

only go to prolong detention. This last feature would annoy prisoners, while yet unsubdued, more than any thing ; and would be the drop of water on them wearing down at length the hardest stone. The training on the other hand would consist in the habits thus gradually formed, all beneficial, and all at length becoming a second nature. The principles being general, will apply to both men and women, subject only to very slight modification.

Married men when transported should have a fixed means afforded them, *involving some sacrifice on their own part*, of having their families sent after them. Much misery and immorality would be thus spared on both sides, and domestic ties, of all the most improving, and which by law-givers should be thus most encouraged, would be drawn closer. I would recommend for the purpose, that previous to their departure from England they be asked if they will have a fair proportion of marks, 2000, 3000, or 4000, added to their sentence, on condition that their families are sent after them, and *are allowed, by labour and other good conduct, to earn marks toward their own maintenance and parent's discharge*, subject to their loss also by fine in case of

misconduct. I know no arrangement that would promise to be more beneficial than this ; always conditioning that married men thus circumstanced shall have no personal intercourse with their families till they have attained their last, or ticket-of-leave stage. On this head I would be inflexible, unless in a very obvious case of approaching death.

Married woman convicted of felonies should either not be transported at all, or they should be divorced, or have the same privilege granted to them as the men, provided their husbands are willing to follow them. Women in a penal settlement, fettered with distant ties, are in a position in which vice is inevitable ; and nothing can justify deliberately placing them in it.

During their first two stages, women should not, I think, ever be seen out of their penitentiary, nor should any male be admitted into it, or have direct authority over it, except the principal superintendent of the settlement, the chaplain, and surgeon. A garden and necessary offices should at the same time be attached to it, suited to instruct the women in every description of household and economical work. Their after destiny will much depend on their proficiency in this.

When they attain their ticket-of-leave, they should be removed to another building, separated from the previous one by a place of worship common to both. Here they should have facilities afforded them of seeing and being seen ; and become eligible for private service, or marriage, as it may happen.

A breach of chastity between prisoners, should in every case forfeit all previous advantages gained, and restore both to the lowest position. If an officer, whether civil or military, be one of the guilty parties, he should be most severely fined, or discharged, or both. The last of these regulations is more important than the first.

The lady placed in charge of the women at a penal settlement should have a high relative position in its society, and be, both by birth and education, qualified to occupy this. Their management within the walls of their penitentiary should be the least of her cares ; —her judgment, discretion, and influence, will have a much more important field without. She should be the guide, monitress, and protectress of every humble female on the establishment, whether free or bond.

Every prisoner, in my opinion, whether male or female, should, within the last few

months of detention, or while the last one or two thousand marks are being earned, have a legitimate means afforded of obtaining wine or spirits. The price charged for the indulgence should be high; the fine for excess severe; and, by means of temperance pledges and exhortations every possible encouragement should be given to *voluntary* abstinence. But a mere physical inability to obtain only nourishes desire instead of weakening it; and so long as such stimulants abound in free society, prisoners are only half trained to return to it, if not practised in voluntary resistance to the temptation of them.

As a general rule, old or incurably infirm prisoners should either not be sent to the colonies at all, or be kept apart. Such persons are usually very ill disposed and conducted; they are unfit for severe colonial labour; and their idleness is at once a snare to themselves and a bad example to others. This does not apply, however, to educated prisoners. Their superior intelligence supplies the want of physical ability, and they can be made extremely useful. I have always found the influence of such men beneficial also on their class, even though sometimes themselves not well conducted. Their better

understanding enables them to appreciate the conduct and motives of their superiors (presuming these to be right) more readily ; and in a *persuasive* system this is highly advantageous.

I have always hitherto thought it a great hardship that soldiers convicted of mere military offences, as desertion, insubordination, and the like, should be transported as felons. In existing circumstances these men are also dangerous prisoners :—they have usually violent tempers, are accustomed to combined action, and readily form intimacies with the soldiers placed over them. They would thus seem fitted rather for penitentiary discipline than transportation : and the precautions taken under that system to prevent subsequent recognition, which are nearly nugatory with most other criminals, who belonging to a class are cognizable among themselves almost always afterwards by ways and expressions peculiar to it, would really serve them. On the other hand, if transportation is now improved as it may be, the hardship will be so much diminished as to cease to be important.

With the deepest sense of the value in suitable circumstances of religious and moral culture, I do not in these suggestions parti-

cularly advert to it. It seems to me that my province here is rather to point out the secondary arrangements of which at least the spirit is indispensable to give this fair scope ; and even all of these I do not name, unwilling to descend to very minute particulars. Improved decency of accommodation for both sexes is one important point, however, which ought not to be altogether omitted. In any case this is indispensable, and need not involve a very heavy expense. It is not elaborate and costly prisons that appear to me in this view wanting : but a purer spirit, to be created by a generally improved position, and adequate privacy, however obtained, for its protection.

I cannot, however, but again advert to the importance of these secondary particulars even in a religious point of view. ‘ Beware of great changes,’ says Lord Bacon ; ‘ but if necessity enforce, fit the rest to it : for it is a secret both in nature and in art that it is easier to make many changes than one only.’

Norfolk Island was eight years a penal settlement before a clergyman set foot on it. The judge had preceded him ;—for he came to sustain the last moments of thirteen men executed within a few days after his arrival. Seven years more passed away before a place

of worship was erected in it : and within the last four years two churches have been built, in which six, Clergymen and Catechists, now minister ; and may other gentlemen, ordained and aspiring to it, have within the same time gone on the same errand of mercy to other penal settlements. No one can dispute the merit or the motives of such an effort ;—yet while it remains alone of its kind I am certain that its result will be disappointing. ‘Fit the rest to it,’ and how excellent would it become !

Whoever has seen much of prisoners must have observed the general excitability of their feelings under religious exhortation, and yet the generally total absence of practical benefit derived from it. Both men and women are moved, and moved easily, by the only form in which persuasion is addressed to them,—as we all are by the occasional application of poetical, dramatic, or other rhetorical stimulus :—and yet they pass from under it, almost as though it were equally a fable.

The subject deserves the especial attention of the heads of our National Churches, and other religious denominations. There is none in which they could interest themselves more gracefully or appropriately. To educate the

young, and endeavour to reclaim the vicious, constitute the peculiar province of religion in every form. Difficulties exist, no doubt, in both departments ; but the way to overcome these is not to recede from them. Those in the present case are not so formidable as they are by many believed. All are not Ethiopians who bear their colour, nor leopards who seem to wear their spots. The great mass of our criminals have been more weak than wicked, and more unfortunate than either. Depraved parents in infancy, depraved companions in youth and manhood, and destitution, to be only averted by crime, in all, constitute circumstances with which the strongest might fear to match themselves. That the great majority are not naturally ill-disposed may be considered proved by the very fact of the qualified success of assignment—a success that has deceived many well-intentioned observers, who have sought the truth, but been led astray while seeking it. No one *à priori* would have thought it safe to take men who had broken through a strong law at home, and distribute them as *slaves* along the outskirts of civilization, scarcely within physical control, and far removed from either moral or religious influence :—yet it proved not only

safe, but economically advantageous. Really wicked evil-intentioned men could not have been thus easily disposed of. There must have been even a sensible desire on the part of most of them to do well, to overcome in any degree the remaining disadvantages of their position.

A variety of concurring circumstances now combine, pointing to a complete revision of our whole system of transportation. Every one is agreed as to its past moral failure ; representations against it are thus multiplied, and proceed from various sources :—information in regard to it is proportionally increased : and interest must grow with this, ready to sanction any effort for the cure of the evil. The great object now, therefore, is to comprehend that evil in its entire length and breadth, and by necessary consequence to comprehend the remedy also in its length and breadth. It is not new regulations that are to be devised, but a new system to be constructed. If any portion of the spirit of what now exists remain, it will corrupt the whole mass.

The magnitude of the change from existing practice, involved in these principles, should be early and distinctly considered. Without this its probable effects cannot be adequately appreciated. Its field of action is immense,—it is our whole criminal administration, our whole conflict with the tendency to crime in our empire;—and the change of tactic proposed is not less striking,—being complete, and as though a General, after long operating without success on one flank of his enemy's line, were suddenly to throw his entire force on the other, and thus shift at once the scene and base of his operations. Hitherto the reform of individual culprits has not been thought a principal object in regulating their treatment;—it has even been expressly disclaimed as such by high penal authorities;—and the object of setting a deterring example, *at any sacrifice*, whether of the soul or body of the individual culprit, has been specifically advanced as the duty of law, on this point, to society. In like manner the association of prisoners together has been hitherto deemed morally hurtful to them,—an evil, necessary it might be in certain circumstances, and amid the prevailing indifference about their moral welfare not very carefully avoided in

any,—yet always to be regretted when it did occur. And a complete change in both these views is at least a great change, and calculated to produce important consequences.

Although conceding the point that reform should be the *first* object of Penal treatment, does not infer that that treatment should be *Social*,—yet I am convinced that it ought *not* to be *Social unless reform be made the first object*, for associations for punishment *only* are always injurious. Thus I consider the existing Penal Road-parties to be excessively injurious ; and the *Silent System* of managing convicts is also, I am persuaded, most cruelly demoralizing, for not only does it group men together solely with a view to their punishment, but the necessary tendency of its minute and unreasonable regulations is to provoke their breach, and thus morally injure their victims by familiarizing their minds with thoughts and acts of disobedience. To the elementary principle, therefore, that men ought only to be associated together with a purpose beneficial to themselves, or in which they can take a personal interest, and where it is possible thus to give their *esprit-de-corps* a tendency, through their interests or feelings,

to obedience not disobedience,—I attach extreme importance.

My next suggestion regards the Training. It should be in associations made to resemble ordinary life as closely as possible,—(in particular, subdivided into smaller parties, or families, *as may be agreed on among the men themselves*,—with common interests,—and receiving wages in the form of marks of commendation, exchangeable *at will* for immediate gratifications, but of which a fixed accumulation should be required before the recovery of freedom); thus preparing for Society in Society, and providing a field for the exercise and cultivation of active *social virtues*, as well as for the habitual *voluntary* restraint of active social vices. This is the portion of the system from which its name of *Social* is taken;—and the superiority of such a description of training, over any ascetic or individual treatment, may be set in various lights.

It would be more *natural*. Man is born social; his habits, impulses, and even virtues, are social; and thus only in society can they be suitably exercised, and the happiness, and consequent encouragement, be communicated which a properly regulated indulgence in them all, is calculated to bestow. Moreover, only

in society is hope usually vigorous, and exertion sustained. Solitary beings are uncertain in temper ;—very few have thus ever proved eminently useful, virtuous, or successful ;—and solitariness of feeling,—in other words selfishness, is the known and admitted source of every description of vice. Hence at present, among other examples, proceed in great measure, I am persuaded, the vicious tendencies which prevail in prisons. On the demoralizing principle, when thus applied, *divide et impera* ; criminals under all existing systems of management are set against each other, as against all the world besides. No one sympathises with them. Society avowedly sacrifices them. They have no common interest with any. The mark of Cain is on their foreheads : their treacheries are often rewarded as good service : their indulgences are generally stolen : and thus, from a thousand concurring causes they become reckless, depraved, and misanthropical,—“ their hand against every man, and every man’s hand against them.” But with a social existence the result would be quite opposite. With common interests their hearts would open which are now shut. They would be made half virtuous by the very act. They would become alive to

others' feelings, instead of brooding over their own ;—they would recognize their affinity to society at large ;—and efforts, whether of exertion or self-denial, which had they been dictated by merely selfish motives would have been no virtues, and consequently yielded no gratification, when sanctified by regard for others also would prove almost their own reward.

Being more natural, this mode of discipline would be also much more easily organized and maintained. It is much easier to create an *esprit de corps* in a body of men, than to regulate the impulses of any single individual ;—the character of this *esprit de corps* can be much more confidently predicted in connection with the circumstances calculated to produce it ;—when produced it is much more uniform in its action ;—and its tendency is to gain strength, rather than lose it, by indulgence. These are all axioms in the science of human nature ; and their simplicity, as well as certainty, renders illustration of them almost unnecessary. Individuals are often found without the moral qualities corresponding to the circumstances in which they are placed ;—they rise above, or sink below them, partly in virtue of different shades of

original character, and partly in virtue of the free agency with which we are all endowed. But the aspect of societies is always modelled on the circumstances in which they are placed;—or, in other words, the greater number obey the external impulse, and the exceptions are few, and do not affect the rule. Even they also are fettered, though not to the same extent. Their nature may not be brought into conformity, but its exhibitions will. Man is gregarious, as well as social; nor can he altogether resist any given social tendency, however opposed to it his individual inclinations. The cowardly soldier yet maintains his place in the ranks:—the unprincipled individual yet pays the homage of hypocrisy to the virtues of his age. The facility of working a social system of managing criminals would be in nothing more remarkable than in the fetters which it would thus throw over even the most hardened,—fetters which would be only the more effectual because they would be unseen,—because they would proceed from the individual's own class, unconsciously to himself, and consequently unresisted.

The next interesting point of view, accordingly, in which this system may be placed is this uniformity in its action. All would be

impressed by it, more or less;—and the greater number even very much. Good prisoners are at present the exception;—but they would thus become the rule;—and the circumstances being made favourable to virtue, as now to vice, the exhibitions would as punctually correspond in the one case as in the other. And this uniformity seems to me especially to recommend this as a NATIONAL SYSTEM. The object being to reform, and a measure of reform being indispensable to procure release, not only would the individuals discharged be thus benefitted, but their improved characters would tell on the classes of society to which they returned even more, if possible, *by their mutual resemblance* than by any great height of virtue to which individuals among them might attain. The efficiency of an army is in proportion to the discipline, intelligence, and consequently uniform action of *all* its members,—not the individual superiority of a few only;—and virtue is maintained in a community, not by high rare examples, but by an elevated standard of it in common estimation. It may appear wire-drawn to many thus to speculate on released criminals as agents for good in a community;—yet is it not proposed at present to shorten their periods of punishment,

and even discontinue sentences for life altogether?—and can it be a matter of indifference how they shall thus return to society, with what mind, and in what manner likely to operate on it? At present there can be no doubt that the majority of released criminals are active agents for evil;—but to what is this so much owing as to the deteriorating effect of vindictive and purely exemplary punishment on their individual characters? They are made worse men by their penal treatment than they were before; and they go forth, accordingly, like a moral blight on society on their return. But let us reverse this most disgraceful consequence of existing management, and there seems no reason whatever for their not becoming a moral remedy. It is even proverbial that the most effective persuaders from vice are those who have been themselves reclaimed from it, whose wills have been gained, not merely their bodies restrained. They can speak experimentally of the delusion of its promises, and the far higher rewards of a return to virtue. And at least the superinduced habits of order, economy, and self-denial, which would be thus extensively diffused, would not be thrown away.

THE END.



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